

FINAL
AMENDMENT #2
FISHERY MANAGEMENT PLAN
FOR
AMERICAN LOBSTER

INCORPORATING AN
ENVIRONMENTAL ASSESSMENT
AND
SUPPLEMENTAL REGULATORY IMPACT REVIEW/
REGULATORY FLEXIBILITY ANALYSIS

Prepared by the
New England Fishery Management Council

June 1987

FINAL
AMENDMENT #2
FISHERY MANAGEMENT PLAN
FOR
AMERICAN LOBSTER

INCORPORATING AN
ENVIRONMENTAL ASSESSMENT
AND
SUPPLEMENTAL REGULATORY IMPACT REVIEW/
REGULATORY FLEXIBILITY ANALYSIS

Prepared by the
New England Fishery Management Council

June 1987

TABLE OF CONTENTS

		<u>Page</u>
	TABLE OF CONTENTS	i
E	I. INTRODUCTION	1
E R	II. PURPOSE AND NEED FOR THE ACTION	2
E R	III. DESCRIPTION OF ALTERNATIVE MEASURES AND THEIR IMPACTS	4
	A. No Action Alternative	4
	B. Proposed Measures (preferred alternative).	4
	Proposal 1. Increase Carapace Length	4
	Proposal 2. Protect V-notch Lobsters	9
	Proposal 3. National Uniform Standard	12
	C. Regulatory Impact Analysis	13
	D. Consistency With National Standards and Other Management Programs	16
	E. Finding of No Significant Environmental Impact	18
	IV. AMENDATORY LANGUAGE	20
	A. Changes in Consequence of Proposed Action	20
E	B. Changes for Addressing Habitat Issues	23
E	V. LIST OF PERSONS AND AGENCIES CONSULTED IN FORMULATING THE PROPOSED ACTION	27
E	VI. LIST OF PREPARERS FOR ENVIRONMENTAL ASSESSMENT AND PLAN AMENDMENT.	28
	VII. RESPONSE TO PUBLIC COMMENTS	29
	APPENDIX A. References	
	APPENDIX B. Public Hearing Summaries and Written Comments	

E Key to the Environmental Assessment
R Key to the Supplemental Regulatory Impact Review
and the Supplemental Regulatory Flexibility Analysis

I. INTRODUCTION

The New England Fishery Management Council, established by the Magnuson Act, has the responsibility for determining the management program for American lobster in Federal waters off the Northeast coast of the United States. In 1983, the Council adopted the American Lobster Fishery Management Plan (FMP), which is the basis for regulating the lobster fishery seaward of 3 miles. The objective of the FMP is:

"To support and promote the development and implementation, on a continuing basis, of a unified, regional management program for American lobster (Homarus americanus), which is designed to promote conservation, to reduce the possibility of recruitment failure, and to allow full utilization of the resource by the United States industry."

Lobster fisheries occur within the areas of authority of the New England and Mid-Atlantic Fishery Management Councils, including the EEZ and the territorial waters of the northern Atlantic coastal states. Important quantities of lobsters are landed at ports in each of the 10 coastal states from Maine to Virginia. Available statistics indicate that approximately 75-80 percent of the total U.S. harvest currently comes from waters under state jurisdiction, principally Maine, with the remaining 20-25 percent taken from the EEZ.

Particularly during the last decade, rising prices and increasing demand for lobsters have resulted in a substantial increase in levels of fishing effort throughout the lobster fishery in the United States. Using the number of traps fished as a rough index of applied effort, the coastal trap fishery has more than tripled over the last 20 years to a current level of more than 2 million traps. The offshore trap fishery, which reached a high level of intensity by the early 1970's, extends over much of the continental shelf and in the offshore canyons, from the Virginia capes to the Northeast Peak of Georges Bank and parts of the Gulf of Maine.

The current level of fishing is thought to be substantially greater than that which would allow the greatest productivity from the lobster resource. Perhaps more importantly, the increased exploitation in the offshore fishery, coupled with the already intense inshore exploitation, has caused concern about the long-term viability of the overall fishery in relation to stock and recruitment. This concern has been the principal factor motivating the development of this amendment to the management program for American lobster.

II. PURPOSE AND NEED FOR ACTION

To many observers, one of the most puzzling aspects of the inshore U.S. American lobster fishery is its stability in the face of intensive exploitation unparalleled in any other domestic marine fishery. As a better understanding of the biology and behavior of the species unfolds with continuing research, it is becoming evident that the stability of the inshore fishery might be the result of an important recruitment subsidy from the less intensively exploited offshore populations.

Since 1972, many lobster biologists have recommended an increase in the minimum carapace length for American lobster. This recommendation stemmed from the fact that fewer than 1% of the inshore northern Gulf of Maine female lobsters reach sexual maturity and extrude their first clutch of eggs before reaching a carapace length of 3-3/16 inches and become vulnerable to the fishery. The concern over this situation intensified when it was determined that a similar situation exists in the offshore fishery on Georges Bank and Southern New England (SNE). Together, these two areas account for about 80% of the total American lobster landings.

The inshore stocks of lobsters in SNE and in Long Island Sound (LIS) reach sexual maturity and extrude their first clutch of eggs at smaller sizes than in the Gulf of Maine and in the offshore populations. At the current minimum size for lobsters, (3-3/16") about 5-10% of the females in SNE and 20-30% of LIS females become ovigerous prior to being vulnerable to the harvest.

The prevailing characteristic of the fishery in all inshore areas is heavy dependence on newly recruited lobsters; 80-90% of the catch in the more heavily exploited areas in the Gulf of Maine and Southern New England is comprised of the newly recruiting year class. Fishing mortality rates reach 90% (annual rate) in the inshore Gulf of Maine and about 84% in the Narragansett Bay-Rhode Island Sound fishery. In areas of Long Island Sound, fishing mortality may be as high as the inshore fishery of Maine. Where similar conditions have prevailed in finfish fisheries, the result has been resource instability often leading to stock collapse through recruitment failure. Among fisheries for species of crustacea, taken in traps, compensatory mechanisms may be more robust, to provide greater resource resilience. Nevertheless, if reproductive activity by offshore lobster populations is important in sustaining the overall resource, there is reason for a growing concern regarding the long-term viability of the resource, particularly in view of the expansion of the offshore fishery into the deep-water areas of the Gulf of Maine in recent years. Moreover, with the loss of fishing grounds on eastern George's Bank and in the eastern Gulf of Maine, as a result of the US-Canada maritime boundary decision, domestic fishing effort has probably become more concentrated in US waters. This means that any future increases in effort in the US offshore fishery may have a more concentrated effect on that segment of the total population which could have importance in sustaining the total resource. Without the benefit of management measures designed to insure the reproductive potential of the stock in all areas, the continuing viability of the overall resource may be in jeopardy. To guard against such an eventuality, the Council considers it necessary and prudent to take steps to increase the spawning potential of the total resource.

In public discussions of these issues, the value of an increase in the spawning potential of the lobster resource was widely recognized; however, the Council, with industry advisors, is also concerned about a number of other issues relating to management of American lobster. A major concern of the industry is the uniform enforcement of lobster regulations. While exploring possible means for improving the enforcement effort, the Council has consistently advocated a uniform application of regulations, implementing the American lobster FMP and its amendments, throughout all appropriate sectors of the economy. Recognizing the constraints on the authority mandated by the MFCMA, the Council (and industry) nevertheless believes that effective enforcement of regulations in the domestic fishery may be seriously degraded in the absence of a uniform standard, defining the legal product, throughout the Nation. Such a standard, made in conformity with the regulations governing the domestic fishery, would diminish the incentive for the U.S. industry to violate those regulations for the purpose of exploiting markets created by non-conforming products. A uniform standard would, therefore, promote the success of the management program for American lobster.

Another major concern among significant sectors of the fishing community is the belief among lobster trap fishermen that substantial damage to the lobster resource and habitat may be inflicted by mobile trawl operators. Although past studies conducted by State management agencies (Estrella & McKiernan, 1986; Ganz, 1980; Smith & Stewart, 1985) have not yielded an unequivocal answer to the question, more recent studies in Massachusetts (Currier, 1987) and Connecticut (Smith & Howell, 1987) have suggested that commercial otter trawls may induce significant damage to recently molted, soft-shell lobsters. These studies have also indicated that trawling on hard-shell lobsters may not be any more destructive of lobster populations than potting as a harvesting method. The potential for significant damage from trawling immediately following molting has apparently been demonstrated, but the level of damage which actually occurs has not been assessed. The Council strongly believes that such an assessment should be done. As part of its efforts to obtain the necessary information, the Council is in consultation with Sea Grant Institutions and other agencies to promote and encourage appropriate scientific studies. To the extent that such studies may demonstrate the existence of a conservation issue, the Council may address this question in a future amendment to the American Lobster FMP.

Legislative amendments in P.L. 99-659 (1986) to the MFCMA require the Council to more thoroughly address habitat issues in the American lobster fishery. To that end and consistent with the Council's Habitat Policy, this Amendment includes a discussion of habitat issues to serve as an addendum to appropriate sections in the FMP.

III. DESCRIPTION OF ALTERNATIVES AND THEIR IMPACTS

A. No Action Alternative

This option implies that the current minimum carapace length will remain in effect (a uniform 3-3/16" in all resource areas). The option also implies that the risks of recruitment overfishing are judged to be insignificant and that the costs associated with increasing the minimum carapace length are not justifiable. This alternative, however, ignores the recent intensification of the fishery in offshore areas and the potential effect that fishing effort may have on the overall viability of the resource.

Prior to this amendment, the American Lobster FMP did not explicitly acknowledge the conservation benefit of V-notch female lobsters from the Maine coast, although the original submission of the FMP addressed the issue. However, because most of the U.S. lobster landings are from territorial waters, a uniform lobster management program must have state support. Maine, which lands approximately 60% of the total U.S. catch, has passed legislation for a 4-step incremental gauge increase (from 3-3/16" to 3-5/16") which is coupled with a prohibition on possession of V-notched lobsters beginning January 1, 1988. However, should the Council fail to adopt an amendment to the American Lobster FMP which is at least as restrictive as the Maine legislation, the legislation will be automatically repealed. As a consequence, the "no action" alternative with respect to the issue of providing protection to V-notch lobsters effectively precludes coordination of any action with the Maine legislation.

Under current regulations, the possession of non-conforming lobsters is prohibited only in the domestic fishery and in the lobster producing states along the Atlantic coast (Maine through North Carolina), and to the extent that existing regulations govern interstate commerce. The "no action" alternative with respect to the issue of whether to establish a national uniform standard would prevent implementation of the Maine legislation, regardless of any other Federal action.

Since the major portion of the domestic harvest of lobster is from the territorial sea, cooperation by the states is critical to effective lobster management. However, under the terms of the Maine legislation as well as pending legislation or regulatory action in other states, the opportunity to further lobster management in the Northeast depends upon a recognition of the inseparability of the proposed management measures (preferred alternative).

B. Proposed Measures (preferred alternative)

Proposal 1: Increase Carapace Length. Increase the minimum legal carapace length for American lobsters by 1/32 inch increments in 4 steps over a 5-year period, reaching 3-5/16 inches according to the following schedule:

January 1, 1988	Increase to 3-7/32 inches
January 1, 1989	Increase to 3-1/4 inches
January 1, 1990	No change in Carapace Length, escape vents compatible with 3-5/16 inches
January 1, 1991	Increase to 3-9/32 inches
January 1, 1992	Increase to 3-5/16 inches

Escape Vents. On January 1, 1990, rectangular or circular escape vents compatible with a minimum carapace length of 3-5/16 inches will be required. The exact specification of the required escape vents will be promulgated by appropriate rulemaking.

An alternative to this proposal, raised at public hearings increased the minimum legal carapace length from 3-3/16 inches to 3-5/16 inches by 1/32 inch increments in alternate years beginning on January 1, 1988 and reaching 3-5/16 inches on January 1, 1995. Escape vents, compatible with a 3-5/16 inch carapace length, would be required on January 1, 1992. This alternative was rejected by the Council because the proposed schedule of increases (the preferred alternative) represented a reasonable burden for the industry and because the Council could not reasonably impose a less restrictive standard than that already adopted by the State of Maine.

Rationale: With this proposal, the minimum carapace length would be increased by increments of 1/32 inch with the specific intent of increasing spawning potential while minimizing the short-term impacts on landings. Prior to the implementation of the American Lobster FMP in 1983, the state of Rhode Island implemented a lobster gauge increase from 3-1/16 inches to 3-3/16 inches to achieve parity with the impending Federal minimum size limit using 4 increments of 1/32 inch over the 5-year period, 1978-1982 (no change in the third year). Those size increases had no discernable negative impact on the level of Rhode Island landings or revenues to fishermen. As a consequence, the Maine legislation has incorporated an identical schedule of gauge increases with the intent of minimizing impacts to fishermen.

It is clear that coast-wide increases in the minimum size for lobster should be accomplished in a concerted action by all management agencies to avoid disruptions in the marketplace; the Maine legislation provides the model for that action. Among the other major lobster-producing states, Massachusetts is currently developing identical legislation and the Rhode Island Marine Fishery Council is expected to consider similar action through a regulatory process.

Biological considerations: The possible management approaches for achieving increased reproductive potential of the stock include controls on the level of fishing mortality (F), controls on the age at entry to the fishery, accomplished through regulating the minimum legal carapace length, or a combination of both. Control on age at entry (carapace length) is considered to be the more robust measure for achieving a desired level of spawning potential in the lobster fishery.

Consistent with this logic, the concerns of resource managers and a growing segment of the industry can be addressed by implementing an increase in the minimum carapace length and protection of V-notched lobsters for the purpose of enhancing the reproductive potential of the lobster resource. Increasing the minimum size may reasonably be expected to allow more lobsters to reach maturity and participate in spawning at least once before they recruit to the fishery.

With the implementation of the proposed increases in the minimum size, the overall loss in landings to the fishery in the first year of the 4-step gauge

increase (1988) is expected to be only about 3.5%. Subsequent incremental increases in the carapace length are expected to negatively impact overall landings about 4.3% in 1989, 0.2% in 1990, 4.1% in 1991, and 4.8% in 1992. These projected levels of impact are judged to be insignificant since they are within the range of natural variability in landings.

With the establishment of a new population equilibrium following the final incremental increase (about 5-10 years later), the overall increase in landings is expected to be about 2.3%. These estimates assume constant levels of recruitment and fishing mortality over the period.

Very significant increases in spawning potential within separate resource areas (Gulf of Maine inshore, Southern New England inshore, and offshore George's Bank & south) are expected as a direct effect of increasing the carapace length. The following tabulation gives the expected long-term percentage gains in egg production:

<u>Resource Area</u>	<u>% Change (# of Eggs)</u>
Gulf of Maine inshore	+86
So. New England inshore	+30
Offshore George's Bank & south	+26

Over the total US American lobster resource, these expected long-term percentage gains in egg production given by resource area, are expected to result in an overall gain of +45% in total egg production. Assuming that these increases in egg production may enhance future levels of recruitment, the long-term gain in landings may be substantially greater than +2.3%.

Economic Considerations: Two methods were used to estimate the range of economic impacts of the proposed management measures. In the first case, the biological simulation model did not include stock size-recruitment (recruitment) effects, (changes in the size of the spawning stock which change recruitment levels with a 6-year lag). The second biological model incorporated a tentative Ricker stock size-recruitment relationship from Krouse (1986). Krouse's fit to the Ricker model was virtually linear within the range of stock sizes he considered. It is likely that a Ricker-type formulation would have a more negative slope at higher stock sizes. To avoid overestimating recruitment effects, the simulation was run for only the first 10 years after plan implementation. After the tenth year, constant recruitment and catch levels were assumed. Because it takes about six years for stock size changes to affect recruitment and because the proposed minimum size increases will be implemented incrementally, a time period of 20 to 30 years is required to estimate the benefits from the proposed gauge changes.

The proposed schedule of gauge increases is expected to decrease landings during the first five years of the plan, and cause a corresponding decrease in ex-vessel revenues (Figure 1). By the sixth year, ex-vessel revenues are expected to increase because of an increase in total landings. With a 10% discount rate, which heavily weights near term losses, there would be a 10.6% increase in ex-vessel revenues over a 20 year time period using the best case estimate (ie., with recruitment effects) and a -0.4% decrease using the worst case estimate (no recruitment effects). The results of these two methods are presented in Table 1.

Table 1: EXPECTED PERCENTAGE CHANGE IN DISCOUNTED EX-VESSEL
REVENUES FROM PROPOSED MANAGEMENT MEASURES
(Million Dollars Discounted at 10%)

<u>GAUGE INCREASE WITHOUT PROTECTION OF V-NOTCH LOBSTERS</u>		
<u>PLANNING HORIZON</u>	<u>WITHOUT STOCK- RECRUITMENT EFFECTS</u>	<u>WITH STOCK- RECRUITMENT EFFECTS</u>
10 years	- 1.4%	+ 2.2%
20 years	- 0.4%	+ 10.6%
30 years	- 0.2%	+ 12.7%

<u>GAUGE INCREASE WITH PROTECTION OF V-NOTCH LOBSTERS</u>		
<u>PLANNING HORIZON</u>	<u>WITHOUT STOCK- RECRUITMENT EFFECTS</u>	<u>WITH STOCK- RECRUITMENT EFFECTS</u>
10 years	- 1.7%	+ 2.4%
20 years	- 0.7%	+ 11.2%
30 years	- 0.5%	+ 13.5%

Table 2: LOBSTER LENGTH-WEIGHT RELATIONSHIPS

<u>Carapace Length</u>	<u>Offshore GB/South</u>	<u>Gulf of Maine Inshore</u>	<u>SNE Inshore</u>
3-3/16"	0.83 lb	0.93 lb	0.97 lb
3-7/32"	0.86	0.95	1.00
3-1/4"	0.89	0.98	1.03
3-9/32"	0.91	1.00	1.06
3-5/16"	0.94	1.03	1.09

IMPACTS OF PROPOSED GAUGE INCREASE

With Protection of V-notch Lobsters
Projected Ex-vessel Revenues

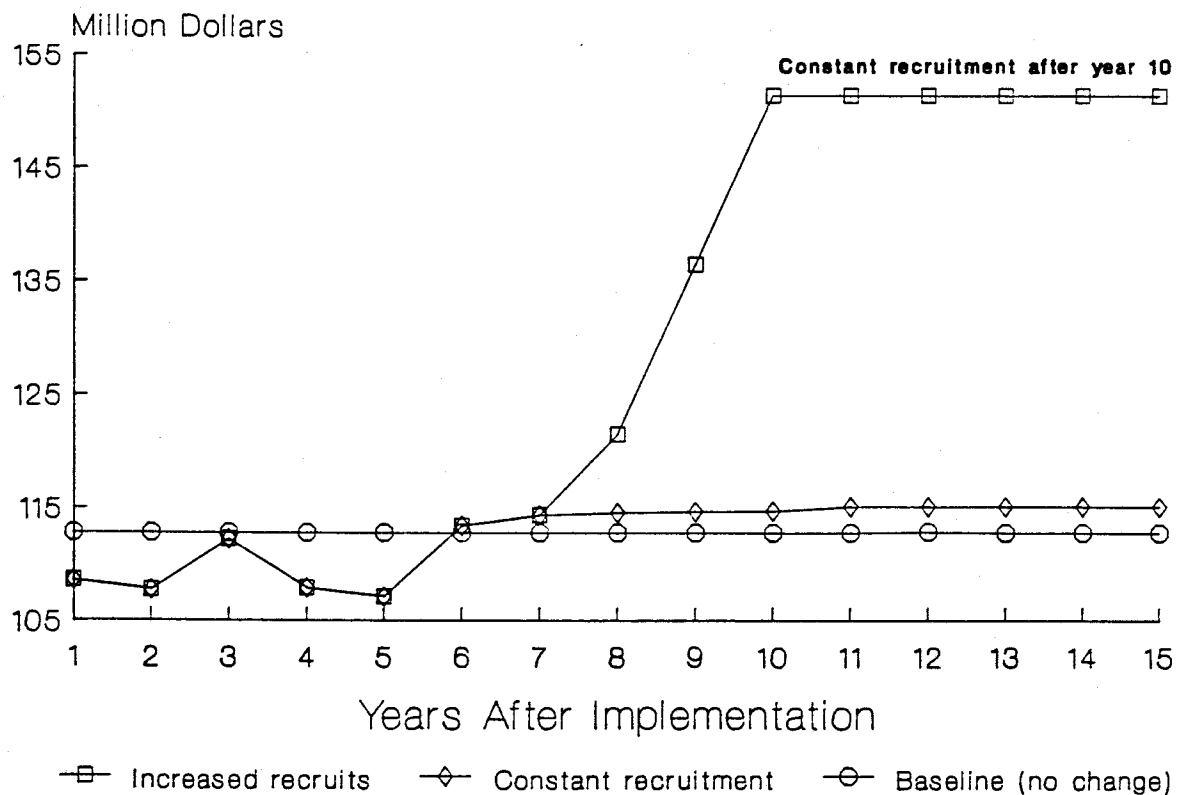


Figure 1. Expected impacts on ex-vessel revenues from U.S. landings of American lobster under the proposed management program with alternative assumptions regarding a stock-recruit relationship.

These estimates do not include possible increases in ex-vessel revenue from an increase in the proportion of large lobsters in the catch. Assuming a constant level of fishing pressure, an increase in the gauge size will tend to shift the size distribution of lobsters towards the larger sizes. Larger lobsters typically carry a higher price per pound than smaller ones and it is likely that there will be a very small increase in ex-vessel prices owing to an increase in the proportion of large lobsters in the catch.

Economic studies have generally indicated that an increase in the proportion of large lobsters in the catch would increase revenues to wholesalers and lobstermen and provide consumers with a more desirable product. The proposed size increase is small enough, however, as to cause only an insignificant change in the weight of lobsters entering the smallest market category. Table 2 illustrates the effect of the size increases on the weight of lobsters recruiting to the fishery.

Implementation Considerations: The Council's role in lobster management, as articulated in the management objective, is to coordinate efforts in promoting unified regional management. The Council notes that the major lobster producing state (Maine) has passed legislation addressing the issues in this amendment, in keeping with a long history of leadership in lobster conservation. The second most important lobster producing state, Massachusetts, is developing identical legislation. Moreover, these and the other lobster producing states in the Northeast are actively considering additional lobster conservation measures. The Council believes that lobster conservation and management in the EEZ is best served by taking the complimentary action embodied in Proposal 1.

Proposal 2. Prohibit the possession of V-notched female American lobsters throughout the range of the stock. The possession of any V-notched female American lobster, taken pursuant to the authority of the MFCMA, shall be prohibited. No person shall be considered in violation of this prohibition if any such lobsters in possession are returned to the natural habitat.

An alternative to this proposal, discussed at public hearings, prohibited the possession of V-notched female lobsters within the Gulf of Maine north of the range of latitudes that describe Cape Cod. This alternative offered the advantage of more closely relating the prohibited activity to the area in which V-notched female lobsters typically occur. Nevertheless, the Council determined that the proposed action is the most appropriate because of the MFCMA's requirement to manage the stock throughout its range, the need to enhance enforcement through the area-wide application of the prohibition, and the importance of achieving consistency with the existing Maine legislation.

Rationale: This proposal recognizes that V-notched lobsters may migrate out of the Gulf of Maine and be taken by fishermen in the southern range of the stock. The proposal ensures that all fishermen, regardless of their area of operation, would receive equal treatment under the law. The Council intends that V-notched female lobsters be left in the population to reproduce and enhance spawning potential, but recognizes that the infrequency of occurrence outside of the Gulf of Maine may result in unintentional capture. Accordingly, the Council intends that a person found in violation of this provision shall not be subject to penalty, provided that person assures that V-notch lobsters are returned to the natural environment.

Biological considerations: Botsford et al., (1986), indicated that the long-standing practice of V-notching egg-bearing female lobsters has the potential of making a significant contribution to the spawning biomass of the Maine inshore lobster stock. The report notes that the practice may reduce the fishing mortality rate relative to that which would exist in the absence of the practice. The same report could find no evidence that V-notching induces additional mortality, such as through increased red-tail disease (gaffkemia), among lobsters along the coast of Maine.

The estimated percentage gain in egg production for the Gulf of Maine as a consequence of increasing the minimum legal carapace length (+86%) assumes that no additional protection would be afforded to V-notched lobsters released in the Maine inshore fishery. However, if:

- 1) all lobsters within the inshore Gulf of Maine fishery are V-notched when captured bearing their first clutch of eggs, and
- 2) the V-notch mark remains persistent throughout the life of the lobster (or is periodically renewed), and
- 3) the act of V-notching does not induce any significant mortality, and
- 4) all V-notch lobsters captured by fishermen are returned alive to the sea, then;

Total egg production by inshore Gulf of Maine lobsters may be expected to increase some 240% (2.4 times as many eggs produced) as a result of both increasing the carapace length and protecting V-notch lobsters. For the total resource over all three areas, the potential overall gain in egg production (subject to the caveats listed above), may reach +92% with implementation of both measures (see Figure 2).

No attempt was made to estimate the potential benefits to Long Island Sound lobsters. However, since LIS lobsters become sexually mature at a significantly smaller size than in all other areas of the U.S. resource, increases on a smaller scale will probably occur.

Given the above estimates of the expected increased levels of egg production associated with increasing the minimum legal carapace length and protecting V-notched lobsters, it is fully expected that the proposed management program will be valuable in limiting recruitment overfishing. Simultaneously, the total proposed management program is expected to restructure the age composition of the resource such that it is more resilient to possible increases in the fishing mortality rate. These management measures, in combination, are expected to help ameliorate current concerns for recruitment overfishing.

Economic considerations: Increasing the number of lobsters subject to V-notch regulations, would initially decrease lobster landings, but is expected to substantially increase spawning potential in the Gulf of Maine. This proposal is expected to initially decrease ex-vessel revenues to about 2,100 commercial lobstermen in Massachusetts and New Hampshire by about \$259,000 - an average of about \$123 per lobsterman. However, it is noted that V-notched lobsters might have already been voluntarily released by other lobstermen who could have landed them at an earlier time. In public hearings held in Portsmouth, NH, Peabody, MA, Plymouth, MA, and Provincetown, MA there was nearly unanimous support from lobstermen for extending the protection of

IMPACTS OF PROPOSED GAUGE INCREASE

Projected Change in Total Egg Production

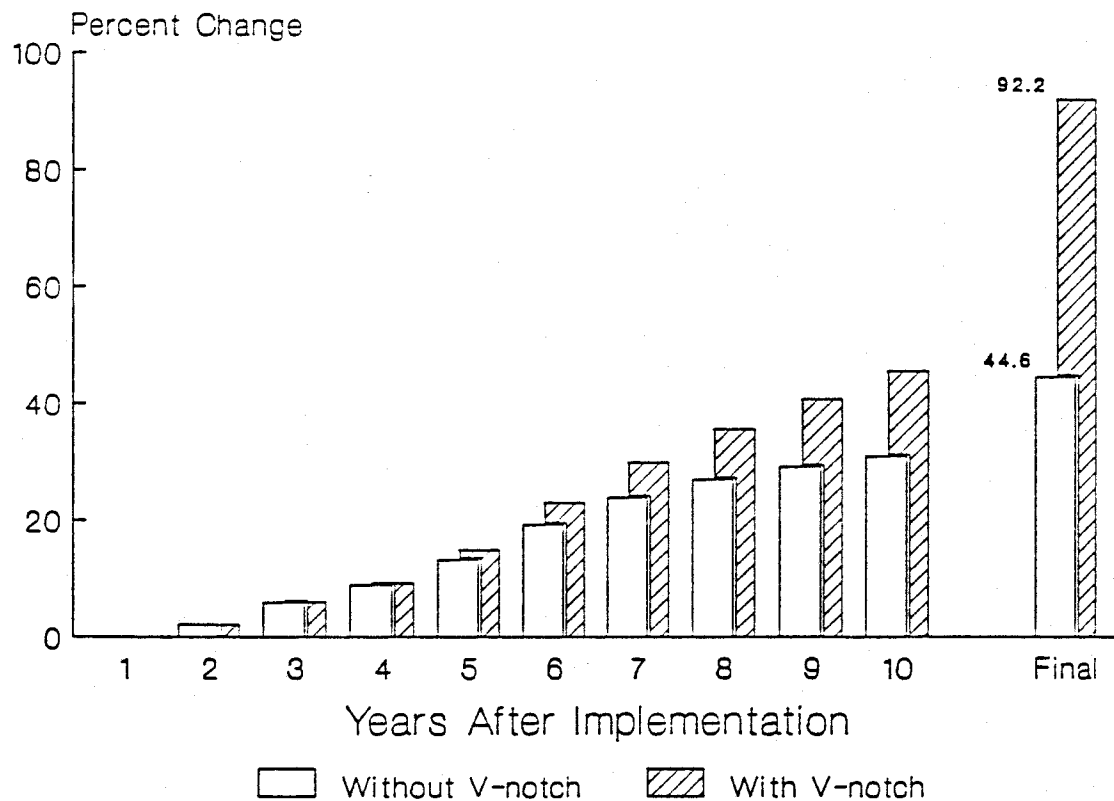


Figure 2. Expected impacts on egg production by the U.S. American lobster resource resulting from implementation of the proposed management program.

V-notched lobsters throughout the range. This measure is not expected to have any impacts on lobstermen in the Georges Bank fishery or south of Cape Cod.

In conjunction with the proposed gauge increases, there would be a 11.2% increase in ex-vessel revenues over a 20 year time period (discounted at 10%) using the best case estimate (with recruitment effects) and a -0.7% decrease using the worst case estimate (without recruitment effects). The results of these two methods are presented in the Table 1.

Implementation considerations: This proposed action does not require fishermen to V-notch female American lobsters. As evidenced by input from the fishing community in the Gulf of Maine during the development of this amendment, there is widespread acceptance of the value of V-notch lobsters originating from coastal Maine waters as "brood stock". Although there was substantial support for initiating an increase in the minimum size to achieve the Council's stated goals, that support (particularly in the Gulf of Maine) is contingent on implementation of a Federal program to protect V-notch lobsters. Thus, to optimize fisherman compliance, the inseparability of the two measures must be made explicit.

Proposal 3. Establish a uniform national standard for American lobster whereby the possession of egg-bearing female American lobsters, V-notched female American lobsters, and American lobsters that are smaller than the minimum size described in the FMP, that are harvested pursuant to the authority of the Magnuson Act, be prohibited throughout the Nation. Because the fishery management laws covering state waters where the Nation's lobster fisheries predominately occur (ie., ME, MA, RI) are fully consistent with management measures of the FMP, there shall be a rebuttable presumption that any non-conforming lobsters in interstate commerce were taken in violation of the MFCMA.

Rationale: The Council finds that it is necessary to extend the effect of certain lobster management measures throughout the nation in order to promote compliance, assure effective enforcement and achieve the objectives of the FMP. Operating within the authority granted under the MFCMA, which extends only to lobster stocks under U.S. jurisdiction, this proposal requires that the prohibition on the possession of undersized and/or V-notched and/or egg-bearing American lobsters apply throughout the Nation, and be enforced on the basis of the rebuttable presumption.

Biological Considerations: Implementation of this proposal is expected to substantially improve industry compliance with the overall management program for American lobster. In such a climate, the potential biological benefits in terms of increased spawning potential, which are expected to result from the total proposed management program, may be substantially met. In the face of intensive fishing pressure in the domestic fishery, it is prudent that steps be taken to assure the continued existence of a robust resource. But, the opportunity to achieve that goal depends on a productive partnership between the Council and the States. Thus, in light of the initiative taken by the state of Maine and pending action by the other major lobster-producing states, any of the biological benefits which may result from implementation of any of the above proposed measures will actually accrue only with implementation of all of the proposals, including a national standard.

Economic Considerations: This measure will eliminate an economic incentive for lobstermen to land sub-legal sized lobsters.

Implementation Considerations: The Maine state legislature passed legislation which authorizes increases in the minimum legal carapace length, coupled with protection of V-notch lobsters, provided that the Council and the Federal Government take complementary action by 1988. As an important part of that complementary action, the legislation has the proviso that appropriate regulatory action by the Secretary of Commerce pertaining to the minimum carapace length and the protection of V-notch lobsters have the force of law in all states or that Federal legislation accomplishes the same purpose. In the absence of such complementary action, the Maine legislation will be automatically repealed on January 1, 1988.

C. Regulatory Impact Analysis

Benefits:

Proposal 1. Increasing the minimum size can reasonably be expected to allow more lobsters to reach maturity and spawn at least once before being caught. Annual landings are expected to increase between 2.3% and 33%, five years after the final gauge increase. Lobster egg production is also expected to increase 45% with establishment of the new equilibrium. Finally, the average size of lobsters in the chicken market category is expected to increase by 12% overall, to slightly over a pound.

Proposal 2. The practice of V-notching egg-bearing female lobsters has the potential of making a significant contribution to the spawning biomass of the Gulf of Maine lobster stock. It is estimated that, overall, there will be a 47% increase in egg production.

Proposal 3. A uniform standard throughout the nation will impede illegal, domestically landed lobsters from being mixed with documented imported lobsters in the U.S. market. It will therefore eliminate an economic incentive for lobstermen to land sub-legal sized lobsters.

Costs:

Proposal 1. Increasing the minimum size is expected to reduce landings by 3.5% to 5% during each of the first five years of the program, with the exception of year three. Enforcement and administrative costs remain unchanged, because this action simply changes the standard of an existing regulation.

Proposal 2. The maximum expected lost landings of V-notched lobsters are estimated to be worth \$260,000. Enforcement and administrative costs will remain unchanged, because this action simply revises how an existing regulation is applied.

Proposal 3. A uniform standard minimum size for lobster throughout the nation will require no additional administrative funds to document imported lobsters. Documentation is the responsibility of the person in possession of non-conforming lobsters. It will eliminate a portion of the market for small chicken lobsters by restricting that market category to conform to the size limit for domestically caught lobsters. However, acceptable substitutes such as spiny lobsters and freshwater crayfish are readily available.

Benefit-Cost Conclusion:

Proposal 1. This proposal is expected to increase the net present value of ex-vessel revenues. With a 10% discount rate, which heavily weights near term losses, there would be between a 10.6% increase in ex-vessel revenues over a 20 year time period using the best case estimate (ie., with recruitment effects) and a -0.4% decrease using the worst case estimate (no recruitment effects).

Proposal 2. V-notching program will cause slightly higher costs in terms of an initial decrease in ex-vessel revenues of about \$259,000, but higher potential long-term benefits, between -0.7% and +11.2% over a twenty year period, than the gauge increase alone. This higher cost is worthwhile, because without it, the Maine program would not be implemented. Additionally, the potential 47% increase in egg production from this measure alone may be expected to increase recruitment, which might easily outweigh this loss.

Proposal 3. This proposal is not expected to increase administrative or enforcement costs. Any impacts on the small lobster market might be mitigated by acceptable and readily available substitutes such as spiny lobsters and freshwater crayfish. The proposal will eliminate an economic incentive for lobstermen to land sub-legal sized lobsters, and thus enhance the success of the overall program.

Other E.O. 12291 Requirements:

E.O. 12291 requires that the following three issues be considered:

- a. Will the Amendment have an annual effect on the economy of \$100 million or more?
- b. Will the Amendment lead to an increase in the costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions?
- c. Will the Amendment have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of US based enterprises to compete with foreign based enterprises in domestic or export markets?

The proposed action is expected to reduce ex-vessel revenues by \$4.2 million in the first year, assuming that all other factors such as recruitment remain constant, and increase revenues after the fifth year. From the tenth year onward, the increase in exvessel revenues would be from \$2.0 million (if there are no stock size-recruitment effects) to \$38.6 million (from the model which includes stock size-recruitment effects). There are an estimated 8,400 commercial lobstermen, both full and part time, not including those employed on trawlers which occasionally land lobsters. The average loss per lobsterman is expected to about \$500 in the first year of implementation. From the tenth year onward the expected average gain is about \$4,800 per lobsterman, using the average of the estimates derived from the biological models previously described. The measure is expected to decrease the lobstermen's revenues by 4.8% in the Gulf of Maine, by 0.9% in the inshore lobster fishery south of Cape Cod and by 1.6% in the offshore fishery.

Average ex-vessel price changes are expected to be +8.3%, compared with general price increases of 1.8 percent in 1986. Administrative, enforcement, and paperwork and recordkeeping requirements are expected to remain unchanged, thus, there are no impacts on Federal, State, or local government agencies. No data on operating costs are currently available for the harvesting sector; however, operating expenses are not expected to be affected in any way. Employment impacts are expected to be proportional to projected ex-vessel revenues. Rather than a decrease in the employment of lobstermen, it is expected that inshore lobstermen will initially experience a general decrease in revenues, and then an increase after five years. Offshore lobstermen are not expected to experience any decrease in revenues; however, there is insufficient data on employment per vessels and a lack of models to determine the employment response to revenue changes in this sector. Finally, the purpose of the Amendment is to enhance productivity: it should create between a 2.3% and a 35.2% increase in annual lobster landings after five years, a 12% increase in the size of the average chicken lobster landed, a 92% increase in overall egg production due to the gauge increase and the V-notch program. Virtually no U.S. landed lobster is exported.

For the above reasons, the proposed action does not constitute a "major rule" requiring a regulatory impact analysis under E.O. 12291.

Impacts of the Amendment relative to the Regulatory Flexibility Act and the Paperwork Reduction Act of 1980:

The proposed action is not expected to have a significant effect on small entities in relation to the Regulatory Flexibility Act. There are an estimated 8,400 commercial lobstermen, both full and part time, not including those employed on trawlers which occasionally land lobsters. The average loss per lobsterman is expected to about \$500 in the first year of implementation. From the tenth year onward the expected average gain is about \$4,800 per lobsterman, using the average of the estimates derived from the biological models previously described. The measure is expected to decrease the lobstermen's revenues by 4.8% in the Gulf of Maine, by 0.9% in the inshore lobster fishery south of Cape Cod and by 1.6% in the offshore fishery. Although not all lobstermen will be affected in the same way, the combination of proposals is expected to provide benefits to lobstermen in all areas. No differential effects should occur relative to competitive position, cash flow and liquidity, and ability to remain in the market since ex-vessel markets are highly localized.

The proposal to extend the prohibition against the landing of V-notched lobsters will initially decrease ex-vessel revenues of about 2100 commercial lobstermen in Massachusetts and New Hampshire by about \$259,000 or an average of about \$123 per lobsterman. However, it should be noted that V-notched lobsters might have already been voluntarily released by other lobstermen who could have landed them at an earlier time. In public hearings held in Portsmouth, NH, Peabody, MA, Plymouth, MA, and Provincetown, MA there was nearly unanimous support by lobstermen for extending the protection of V-notched lobsters throughout the range. This measure is not expected to have any impacts on lobstermen in the Georges Bank fishery or south of Cape Cod.

There will be no new paperwork or record-keeping requirements under the proposed management program.

D. Consistency With National Standards and Other Management Programs

National Standards:

1. Conservation and management measures shall prevent overfishing while achieving, on a continuous basis, the optimum yield from each fishery.

Although fishing mortality rates in the US lobster fishery have remained at high levels, there is no evidence, to date, of recruitment overfishing. The amended management program may be expected to assure that such remains the case and allay the serious concerns of many observers with regard to future conditions. It is a reasonable expectation that higher and more stable levels of recruitment might occur as a result of enhanced egg production. The end result of this effect will be to assure the achievement, on a continuing basis, of optimum yield from the fishery.

2. Conservation and management measures shall be based upon the best scientific information available.

This amendment is based upon the best and most recent scientific information available to the Council. Further, expert industry advisory input has been carefully incorporated throughout development and analysis of the alternatives considered.

3. To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

As reflected in the fact that the management measures contained in this amendment were designed to increase the overall spawning potential, the management unit is the entire US lobster resource. However, since the majority of US landings of American lobster are from the territorial sea, the Council's role in lobster management is to coordinate a regional, cooperative effort. The wide acceptance of this cooperative effort to the mutual benefit of the fishery and the resource is expected to be further strengthened through adoption of the measures specified in this amendment taken as an inseparable unit.

4. Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

An increase in minimum carapace length is applied uniformly to all areas of the EEZ and does not discriminate between residents of different states. The proposed measure for the protection of V-notched female lobsters does not discriminate between residents of any state or group of states, and does not unduly burden residents in those areas where V-notching is not practiced. Similarly, the provision for establishment of a national standard will not interfere with the commercial interests of any entity having dependence on foreign lobster stocks while promoting conservation and management of lobster stocks under US jurisdiction.

5. Conservation and management measures shall, where practicable, promote efficiency in the utilization of the fishery resources; except that no such measure shall have economic allocation as its sole purpose.

The recommended management measures are expected to result in the efficient utilization of the available administrative and enforcement resources. None of the recommended measures have economic allocation as their sole purpose.

6. Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

The Council remains sensitive to variations and contingencies in the lobster fishery and pursues the measures within this amendment in part as a response to intensified offshore fishing and in recognition of the V-notching practice by extending protection of V-notched lobsters to the EEZ.

7. Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

US lobster stocks are under intense exploitation, raising fears of potential recruitment overfishing. But that exploitation takes place across many political jurisdictions having independent authority to regulate fishing. Within this context, the proper role of the Council is to be an advocate of regional cooperation and coordination. Through exerting leadership from a regional perspective, the Council may influence the establishment of a consistent management approach throughout the range of the species.

State Laws and Other Regulations and Policies:

Although each of the lobster producing states has historically managed its lobster fishery independently of the others, the need for comparable management programs has long been recognized. Through the aegis of the American Lobster FMP and the Council process, coordination of management activity is being realized. A synopsis of the important state lobster regulations appears in Table 3.

The important legislation by the state of Maine, referred to in previous discussion, has been signed into law to take effect on January 1, 1988, but in the absence of complimentary Federal action will be automatically repealed on the same date. Under the terms of the legislation, the minimum carapace length for American lobster landed in Maine will be increased with the same schedule as specified in Proposal No.1 of this Amendment. This action will occur provided that similar increases to the minimum legal carapace length of lobsters from the EEZ are accomplished through appropriate amendment to the American Lobster FMP and that possession of lobsters V-notched in the Maine fishery is prohibited. Moreover, the Maine legislation states as an additional proviso that appropriate regulatory action implementing the amendment to the FMP has the force of law in all states or that federal legislation accomplishes the same purpose. At this date, similar legislation

(with respect to increases in the carapace length and prohibition on possession of V-notch lobsters) is progressing through the Massachusetts legislature. It is understood, that the Massachusetts legislation has the proviso that similar and complimentary action occur in the other major lobster producing states and the EEZ. The third major lobster-producing state, Rhode Island, is expected to consider such action through a regulatory process by the Rhode Island Marine Fishery Council.

The management measures proposed in this Amendment do not change the relationship between the Federal management program for American lobster and other state and Federal laws and statutes that affect the American lobster resource. Nothing in this Amendment will change the relationship discussed in Section 226 of the American Lobster FMP concerning marine mammals and endangered species. Finally, the Council has determined that this Amendment will be implemented in a manner consistent with the approved Coastal Zone Management Programs of the affected states.

E. Finding of No Significant Environmental Impact

In view of the analysis presented in this document, The Council has determined that the proposed action in this amendment to the American Lobster Fishery Management Plan would not significantly affect the quality of the human environment with specific reference to the criteria contained in NDM 02-10 implementing the National Environmental Policy Act. Accordingly, the preparation of a supplemental Environmental Impact Statement for this proposed action is not necessary.

Assistant Administrator
for Fisheries, NOAA

Date

Table 3. Lobster Regulations by State

[illegible]

IV. AMENDATORY LANGUAGE

A. Changes in Consequence of Proposed Action

The Council proposes to amend the language contained in Part 5 of the American Lobster FMP as follows (references are to existing sections in the FMP and changes are specified in boldface). This document supplements the discussion and analysis of alternatives contained in Part 4 of the FMP.

§505 Minimum Size

The Council proposes to increase the minimum legal carapace length for American lobsters by 1/32 inch increments in 4 steps over a 5-year period, from 3-3/16 inches to 3-5/16 inches according to the following schedule:

January 1, 1988	Increase to 3-7/32"
January 1, 1989	Increase to 3-1/4 "
January 1, 1990	No change in carapace length
January 1, 1991	Increase to 3-9/32"
January 1, 1992	Increase to 3-5/16"

Comment. Adoption of this minimum size underscores the Council's basic approach to lobster management: to join with the States as part of a cooperative regional management effort. This is possible since most of the States have already implemented the basic management recommendations of the Northeast Marine Fisheries Board, and those recommendations are consistent with the Council's policy of promoting measures designed to improve conservation of the resource and reduce the possibility of recruitment failure. The Council expects that the minimum size will be enforced through a possession limit.

A larger minimum size may be more appropriate in the future, and indeed the Council may be a proponent of such a change. The recommendation of the Northeast Marine Fisheries Board actually was to establish the minimum size for lobsters ultimately at 3-1/2 inches. However, there are uncertainties regarding the possible effects this size could have on the catch by geographical area and on the demand for lobster.

This measure clearly puts the Federal government in step with the conservation programs of the major lobster-producing States, and is a signal to the other States that regulatory action is needed to conserve a valuable regional fishery. It is the Council's view that all jurisdictions should adopt and enforce this measure.

§508 Escape Vents

Beginning January 1, 1990, rectangular or circular escape vents compatible with a minimum carapace length of 3-5/16 inches will be required. The exact specification of the required escape vents will be promulgated by appropriate rulemaking. All lobster traps and buoys must be marked with the vessel's Official Number, or, if the vessel is licensed under a State program that is approved by the Regional Director in lieu of a federal permit under §649.4(a), the State license number.

Comment. Nearly all of the lobster producing States that land from offshore areas (except Virginia) require the use of escape vents. The only negative public comment on this regulation came from areas where there is considerable valuable by-catch in lobster pots, particularly at certain times of the year. In order to allow for the development of new gear and to respond to localized problems, the measure allows the Regional Director to approve other vent configurations consistent with those specified by this measure.

There are a number of ways of providing openings in pots. Sometimes it is done by lath spacing as opposed to a constructed vent opening. Lath spacing which meets the size requirements specified in this measure is acceptable. Any alternative configuration approved by the Regional Director should be consistent with releasing a significant portion of undersized lobsters which would otherwise be retained. The Council believes that the Regional Director also should consider the specific problems of these areas in allowing alternative vent designs. Further research in this area may be necessary.

The gear marking requirement is intended to facilitate enforcement, so that appropriate officials can identify the owner of a trap upon inspection. The costs of implementing the venting and marking measures are estimated to be approximately 0 to 80¢ per trap (average 25¢ per trap).

Escape vents may be expected to significantly reduce the numbers of sub-legal sized lobsters retained in lobster traps, thereby reducing the probability of inducing lobster injuries through culling of trap catches. Lobster injury and mortality incurred through aggressive intraspecific behavior may also be expected to be reduced.

Studies of the effects of escape vents on lobster trap catches indicate an increase in overall gear efficiency. Reductions in the time required for culling may result in reduced boat time on station, thereby ameliorating the initial investment in trap modifications through savings in fuel costs. Moreover, available evidence suggests that traps fitted with escape vents may be relatively more efficient in catching legal sized lobsters. To the extent that this increased efficiency may increase fishing mortality, further studies may be warranted.

§509 V-notched Lobsters

The Council proposes to prohibit the possession of V-notched female American lobsters throughout the range of the stock. The possession of any V-notched female American lobster, taken pursuant to the authority of the MFCMA, shall be prohibited. No person shall be considered in violation of this prohibition if any such lobsters in possession are returned to the natural habitat.

Comment. Maine has had a V-notching program for more than 40 years. The program has its foundations in State statutes, which provide that part of the receipts from lobster license sales goes to the purchase of females that become berried while being held in pounds, to compensate the pounds for lobsters which they would not under State law be able to sell. The State then notches these lobsters, plus other females lobsters it purchases. In addition, aside from the State's efforts, many fishermen also notch berried females which they harvest in their traps. It is unlawful to possess a lobster which has been notched.

Maine lobstermen widely support the program and are convinced that it provides significant benefits to the resource. The rationale for their support is that a berried female is a proven "brood stock" lobster that will, if not harvested, continue to contribute to future spawning and ultimately recruitment to the resource. Maine fishermen strongly feel that V-notching is an appropriate complement to other management or conservation measures. They also strongly feel that, given the present minimum carapace length standard, the V-notch program provides some additional level of assurance of continued reproduction in the stock.

The protection of V-notched female lobsters will provide conservation benefits to the resource. Because those female lobsters which are notched are probably not able to be landed through at least two molts, they will have an opportunity to grow and to become berried again. Thus, the larger size of these lobsters when harvested contributes positively to yield per recruit. Further, the opportunity to become berried again results in positive benefits with regard to spawning potential. It has been theorized that V-notching may induce gaffkemia. Although this has been shown to happen in closed environments, it has not been shown to happen in the open ocean. Thus there is no scientific evidence that V-notching leads to significant levels of waste due to mortality from infections, and the proposed measure cannot be interpreted as encouraging an unsound management practice.

§510 National Uniform Standard

The Council proposes to establish a uniform national standard for American lobster whereby the possession of egg-bearing female American lobsters and American lobsters that are smaller than the minimum size described in the FMP, that are harvested pursuant to the authority of the Magnuson Act, be prohibited throughout the Nation. Because the fishery management laws covering state waters where the Nation's lobster fisheries predominately occur (ie., ME, MA, RI) are fully consistent with management measures of the FMP, there shall be a rebuttable presumption that any non-conforming lobsters in interstate commerce were taken in violation of the MFCMA.

Comment. Under the authority of the Magnuson Fishery Conservation and Management Act, promulgation of regulations to prohibit the possession of non-conforming lobsters may apply only to those lobsters taken from stocks under U.S. jurisdiction. The Act does not grant authority over lobsters taken from stocks outside U.S. jurisdiction. However, due to the fact that state laws affecting most domestically caught lobsters are consistent with Federal measures, it will be a rebuttable presumption that all non-conforming lobsters in possession throughout the Nation are in violation of the Magnuson Act. This management measure is expected to decrease resistance by U.S. fishermen to comply with management efforts. It will also impede illegal product, originating from U.S. stocks, from commingling with documented imported lobsters in the U.S. market.

B. Changes for Addressing Habitat Issues

The following discussion constitutes an addendum to Section 203 Description of Habitat, and Section 226 Marine Mammals and Endangered Species, of the American Lobster Fishery Management Plan:

Legislative amendments in P.L. 99-569 (1986) to the Magnuson Fishery Conservation and Management Act require the Council and NOAA to address habitat issues in all Fishery Management Plans. This amendment represents the earliest opportunity to supplement existing discussion of habitat issues contained in the FMP to complete a comprehensive assessment of:

- readily available information regarding the significance of habitat, or its alteration to the fishery;
- the habitat and its utilization in terms of time, space and function as a basis for evaluation of the effects of habitat alterations;
- the need for measures to preserve, protect and restore habitat required for normal stock functions;
- habitat areas that are currently or potentially threatened by alteration, destruction or degradation and their effects (potential or occurring) on the fishery;
- data, information and research gaps that limit these assessments.

These mandates require that habitat considerations be reviewed and included within FMPs and their amendments. Habitat issues which can impact the achievement of fishery management objectives are identified in order to assist other agencies in their evaluation of all existing and proposed activities affecting the coastal and marine environment.

The Lobster FMP (March 1983), Amendment #1 and associated environmental documents include much of the information required in a thorough habitat section. Refer to the following sections for further information:

- distribution and habitat preferences generally and for specific life stages -- FMP Part 201, 203, 514, 515, EIS Part IV.
- fishing grounds or habitats subject to greatest utilization -- FMP Part 201, 203; EIS Part IV. A
- types of activities or alterations most likely to affect lobsters and their habitat -- FMP Part 203
- data, information and research gaps -- FMP Part 514, 515
- acknowledgment of protected species concerns -- FMP Part 226

Several issues related to lobster habitat or the effect of the fishery on habitats of all species deserve further attention.

Effects of Human Activities on Lobster Habitat Since lobster stocks in the EEZ are widely distributed from inshore areas to the continental shelf and slope, it is extremely difficult to identify sensitive areas or human activities that may have the greatest potential to degrade lobster habitat. Within the two principal areas of harvest (coastal waters from Maine to New Jersey and the continental margin from eastern Georges Bank to Cape Hatteras) lobsters and lobster habitat could be stressed by fills, disposal, discharges, incineration, detonation, or other disturbances.

Projects under serious consideration which may have the greatest potential impact are:

- exploratory and/or production drilling for hydrocarbons and sand and gravel extraction on Georges Bank and the adjacent offshore canyons and coastal areas
- dredged material disposal at several proposed sites in the EEZ and coastal waters of Maine, Massachusetts and southern New England
- toxic ocean discharges from coastal sewerage treatment plants and industrial effluents into nearshore waters, such as those identified under Section 301(h) of the Clean Water Act by the Massachusetts Water Resources Authority (for 43 Boston area communities).

One potential threat to lobster habitat is the pending OCS Lease Sale 96 on eastern Georges Bank and near Nantucket Shoals. In defense of prime lobster habitat at the heads of offshore canyons and in the shoaler waters of Georges Bank, the Council has in the past recommended that oil and gas exploration in such areas should proceed only under strict controls. The Council intends to formulate specific recommendations with respect to Lease Sale 96 in the near future which are consistent with its Habitat Policy.

Another source of impact on the habitat which should be quantified on a case-by-case basis concerns ocean disposal of dredged material in the EEZ and coastal waters. Sites off Cape Arundel, ME, Boston, MA, Cape Cod Bay and southern New England are under consideration as interim or permanent dumping grounds. Unpublished results of recent research on currents, water depths and disposal technologies sponsored by the Corps of Engineers at the proposed Boston Foul Area Disposal Site (FADS) concluded that not all particulate matter is retained within dumpsite boundaries. The zone of sedimentation at the FADS site, located at a water depth of 95 m, was at least several hundred meters beyond the site boundaries. Impacts from increased turbidity and altered sediment grain size on lobsters are unclear but could pose local problems.

Chemical contamination poses a chronic threat to inshore lobsters and may alter behavior of individuals or populations involved in migrations across the continental shelf. NOAA's National Status and Trends Program for marine environmental quality (1987 summary) involved preliminary baseline monitoring in several northeastern harbors. Results show high levels of certain heavy metals (silver, chromium, cadmium, copper, mercury, and lead), petroleum byproducts, and other pollutants (DDT) in sediments and certain fish, presumably from point (sewage treatment plants, industrial outfalls, vessels) and nonpoint sources (urban and rural runoff, atmospheric deposition). Comparisons among 50 sites nationwide revealed that several northeast sites

had the highest contaminant levels in sediments or fish livers among all samples in the initial survey. Although these early results typify specific sites rather than large areas, nearshore lobster stocks could be affected. Impacts on reproductive success, growth, overall vitality, and survival remain unquantified but worthy of concern. An expanded monitoring program now includes lobster. In New Bedford harbor, adult lobsters are contaminated by PCBs well above the action levels established by FDA; losses to the industry and overall habitat quality are valued in millions of dollars.

Effects of the Lobster Fishery on the Habitat The lobster resource is harvested with fixed traps and mobile trawls. Both harvesting techniques have the potential to affect marine habitat. Such impacts could affect lobsters, other benthic organisms, and protected or endangered species.

Lobster traps may not significantly affect the habitat, but may impact protected species. Leatherback sea turtles, for example, have been found entangled in lobster pots and ropes, perhaps due to misguided feeding attempts. Whales are also susceptible to entanglement in lobster gear, apparently through accidental encounters. Since 1979, NMFS files document 17 instances of baleen whales caught in, or towing lobster gear or unspecified ropes. These incidents involved humpback (2 times), minke (2), sperm (1), fin (9), and right (3) whales. In comparison to conflicts with other fishing gear, lobster gear accounted for 17 of 27 (63%) episodes during the 8-year period. These conservative estimates of the number of entanglements represent only reported instances.

Lobster trawling may also affect lobster habitat and the resource. This issue is treated at some length in Part II of this Amendment.

Research and Information Needs Previous discussion has demonstrated the actual or potential existence of several problems concerning the lobster resource and/or the fishery. For the purpose of clarifying and assessing the importance of these identified issues, this Amendment offers the opportunity to establish data needs to aid in setting priorities for future research.

Some important management issues and data needs have already been identified in the FMP, including:

- resource problems stemming from competition among gear sectors (FMP Part 514.2 and 515.7)
- apparent concentrations of egg-bearing lobsters at times in certain areas (FMP 514.3 and 515.6)
- need for quantitative understanding of the dynamics of inshore-offshore stock and recruitment mechanisms (FMP 515.2 and 515.3)

Research on these questions, partially addressed in past studies, needs to be continued for definitive results. A discussion of certain aspects of the first issue is contained in Part II of this Amendment.

Other habitat-related data needs of noteworthy importance include:

- determination of the effect that environmental degradation may have on the physical health of lobster populations, including the contributing

factors, incidence rate, and distribution of diseases such as shell rot and black gill.

- occurrence in nearshore lobster populations of physical anomalies such as those that may afflict the health and marketability of winter flounder and soft-shell clams in areas of the northeast.

Habitat Recommendations The Council proposes the following recommendations to conserve and protect habitats critical to the survival and continued optimal production of American lobster:

1. Consider the research and data needs identified in previous discussion as mandatory needs for successful lobster management. Reiterate to NMFS laboratories, other federal agencies, NOAA Sea Grant Institutions, state fishery management agencies, and others the importance of these data needs.
2. Submit these research and information needs to NOAA, the Environmental Protection Agency, and Massachusetts officials contemplating remedial actions with settlement monies from the New Bedford harbor MA Superfund litigation.
3. Consistent with its habitat policy, the Council will provide detailed comment and recommendations on a case by case basis regarding all proposals to lease OCS tracts for hydrocarbon or mineral extraction. The Council will also make recommendations as appropriate regarding permits issued by the Environmental Protection Agency or Corps of Engineers for discharges, dumping or dredging activities.
4. Decision-making agencies involved in permits to alter aquatic or benthic habitat from wetlands to the continental margin for any lobster life stage should consider the commercial and recreational value of the lobster resource. The Council reserves the right, mandated under the MFCMA, to comment on a proposed action and to receive a detailed written response addressing all concerns.

V. LIST OF AGENCIES AND PERSON CONSULTED IN FORMULATING THE PROPOSED ACTIONA. Federal Agencies:

U.S. Environmental Protection Agency (Regions I, II, III)
Department of State
U.S. Coast Guard
Department of Interior
 Fish and Wildlife Service
 Bureau of Indian Affairs
U.S. Army Corps of Engineers
Marine Mammal Commission
Mid-Atlantic Fishery Management Council
South Atlantic Fishery Management Council
Atlantic States Marine Fisheries Commission

B. State Agencies:

Maine Department of Marine Resources
Maine State Planning Office
New Hampshire Dept. of Fish and Game
Massachusetts Division of Marine Fisheries
Massachusetts Office of Coastal Zone Management
Rhode Island Dept. of Environmental Management
Rhode Island Statewide Planning Program
Connecticut Dept. of Environmental Protection
New York Division of Marine and Coastal Resources
New Jersey Division of Fish, Game and Shellfisheries
Pennsylvania Fish Commission
Maryland Department of Natural Resources
Virginia Marine Resources Commission
Delaware Division of Fish and Wildlife
North Carolina Division of Commercial and Sport Fisheries

C. Individuals:

William Adler
Richard Barry
Norman Bender
Edward Blackmore
W. Leigh Bridges
Maynard Graffam
Lawrence Greenlaw
Bruce Kopf
George Main
Irving McConchie
Robert McDonough
James Morgan
Robin Peters
Rodney Sullivan
Roy Tate
Joseph Vachon, Jr.

VI. LIST OF PREPARERS FOR ENVIRONMENTAL ASSESSMENT AND PLAN AMENDMENT

This Amendment to the American Lobster Fishery Management Plan (FMP) was prepared by a team of fishery managers and scientists with special expertise in the American lobster resource.

Lobster Oversight Committee

William Lund, Chairman
Richard Allen
William Brennan
Philip Coates

Assisting the Committee

Louis Goodreau, NEFMC Staff
Christopher Kellogg, NEFMC Staff
Guy Marchesseault, NEFMC Staff
Richard Ruais, NEFMC Staff
Howard Russell, NEFMC Staff
Christopher Ordzie, RIDEF Staff

VII. RESPONSE TO PUBLIC COMMENTS

A total of 13 public hearings were held during the month of October 1986 on the Council's proposals to amend the Lobster FMP. Three of the public hearings were held in Maine, 1 in New Hampshire, 3 in Massachusetts, 1 in Rhode Island, 2 in Connecticut, and 1 each in New York, New Jersey and Delaware. Appendix B includes written summaries of the major comments received on the specific proposals at these hearings and also includes the written comments received on the Council's proposals. This section of the Amendment summarizes the comments received and provides the Council's responses and final decisions after careful consideration of the public comments.

1. Increase in the minimum size from 3-3/16 inches to 3-5/16 inches

The comments on the Council's proposal to increase the gauge size ranged from enthusiastic support to assertions that the proposal would put fishermen out of the lobster business. Several fishermen recommended:

consideration of a longer phase-in period for the increased carapace length;

that the increase be tied to restrictions on the taking of lobsters by draggers and to bigger and better enforcement programs; and

that the increase in carapace length be in conjunction with a freeze on the number of lobster licenses.

Council Response/Decision:

The majority of the comments received were in support of the Council's proposal to increase the minimum carapace length. The Council's analysis (Part III) of the biological benefits of increasing the spawning potential through an increase in the gauge provides compelling justification to extend additional protection to the heavily fished American lobster resource. The Council's consideration of the economic impacts (Part III) of the proposed increase concludes that the long term economic benefits outweigh the small (i.e. 3.5% decrease in landings in year one) short term losses. For these and other reasons the Council has decided to proceed with implementation of the proposed increase in the minimum carapace length of American lobsters.

Throughout the history of Council involvement with lobster management, concerted and complementary action with the major lobster producing states has been an objective of the highest priority. The Council's decision to proceed with the schedule of increases proposed at the hearings, which is consistent with legislation enacted to increase the gauge size in Maine, pursues this primary objective of the American Lobster FMP. Substantial support for the proposed schedule was received at the public hearings.

The Council is committed to seeking appropriate scientific investigation into the effects of trawling for lobsters on the lobster resource and habitat. As a first step, the Council is in the process of contacting Sea Grant universities and other institutions to alert these organizations to the need for in situ investigations along the coast of New England. If the findings of research investigations indicate that some action is warranted to

restrict trawling activities in order to protect the lobster resource, the Council believes that a coordinated approach with the States would be the appropriate course of action. Finally, the Council is fully committed to, and is currently involved in major efforts to improve the capability and effectiveness of marine fishery enforcement, and consequently, to achieve a higher level of compliance with fishery regulations throughout New England.

An examination of limited entry as an alternative for the entire lobster fishery was conducted in Part 4 of the American Lobster FMP. The conclusion of this examination that "a politically viable program of limited entry for the lobster fishery has not yet been developed" remains unchanged.

2. Protection of V-notched lobsters

The majority of the comments received at the public hearings were in favor of supporting the proposal to extend protection to V-notched lobsters throughout the range of the resource (as proposed), provided that some accommodation is made in recognition that the likelihood of encountering V-notch lobsters in Southern New England (SNE) and south is remote. However, some fishermen in SNE, as well as the Department of Environmental Protection of Connecticut expressed opposition to the proposal. In addition, the New Hampshire Fish and Game Commission opposed extension of V-notch protection but did urge adoption of protection of V-notched female lobsters throughout the range if the Council determined that the action was necessary.

Council Response/Decision:

The Council believes that extending protection to V-notched lobsters throughout the range of the resource is appropriate for the following reasons:

- (a) Protection of V-notched lobsters could further increase egg production by reducing fishing mortality on females.
- (b) It is important to have, to the greatest extent possible, uniform application of management measures to all fishermen regardless of area.
- (c) Incorporating protection to V-notched lobsters (and not requiring fishermen to V-notch) in the federal plan complements an existing lobster management program in the state of Maine without compromising the operative measures of any other states conservation program.
- (d) The MFCMA requires that management measures should apply to stocks throughout their range.

3. A uniform national standard for American lobster

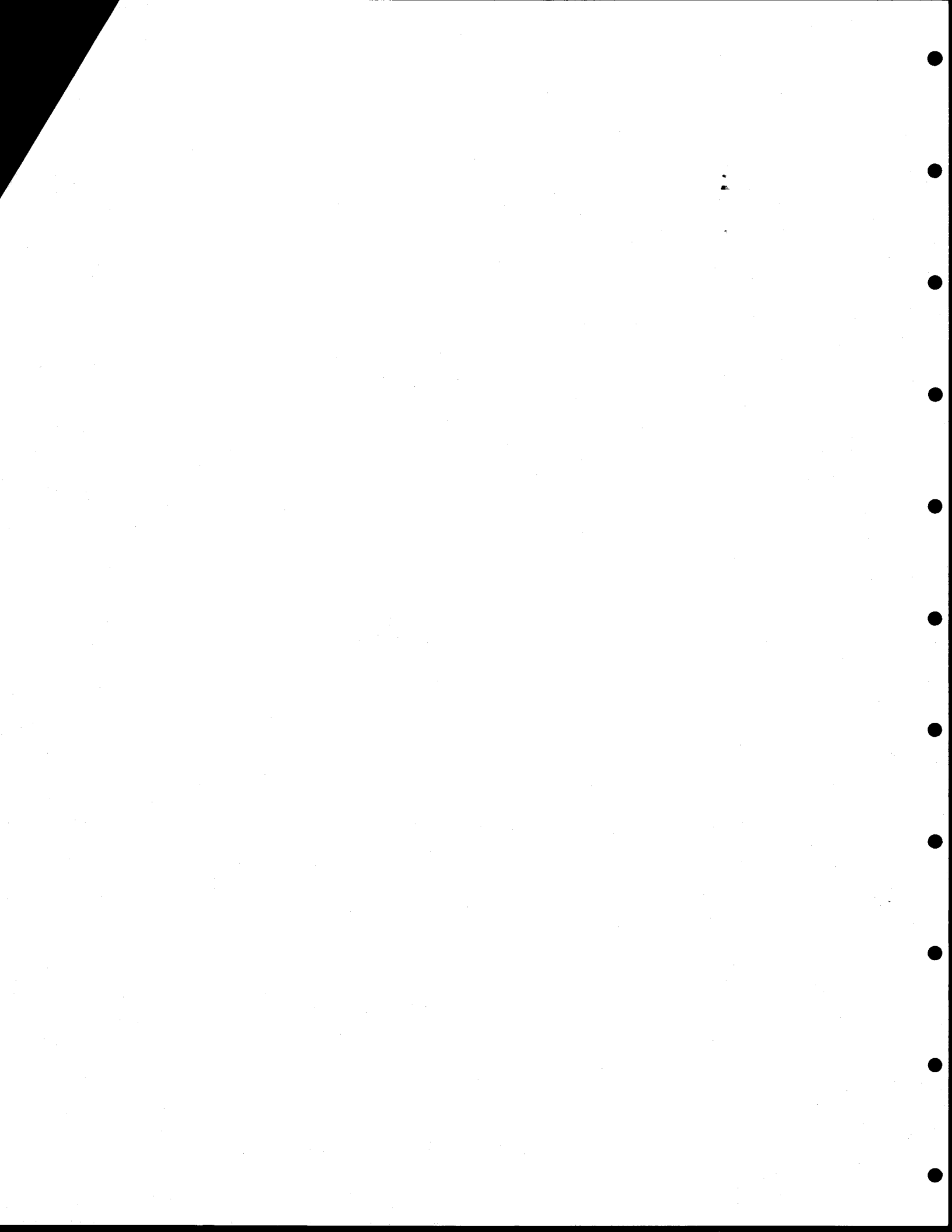
Support for the Council's proposal to establish a national uniform standard for all American lobsters harvested pursuant to the authority of the Magnuson Act was enthusiastic and virtually unanimous.

Council Response/Decision:

The Council will seek such a standard through establishing the rebuttable presumption that all non-conforming American lobsters in interstate commerce were harvested in violation of the MFCMA.

APPENDIX A
References

- Botsford, Louis W., James E. Wilson, and Edward J. Richardson. 1986. Biological and Economic Analysis of Lobster Fishery Policy in Maine. Report submitted to Committee on Marine Resources, State of Maine. 98pp.
- Currier, T. 1987. An update on ottertrawl induced lobster damage in Massachusetts waters. Massachusetts Division of Marine Fisheries. Division News. Jan-Mar, 1987.
- Estrella, B.T. and D.J. McKiernan. 1986. Massachusetts coastal commercial lobster trap sampling program. May-Nov 1985. Massachusetts Division of Marine Fisheries. 74p.
- Ganz, A. 1980. Otter trawl induced lobster (Homarus americanus) damage evaluation. Final Report. 04-7-043-44041. Rhode Island Division of Fish & Wildlife. 23p.
- Krouse, J.S. 1986. Lobster stock assessment. Final Report. 3-370-R. Maine Department of Marine Resources. 81p.
- Smith, E.M. and P.T. Howell. 1987. The effects of bottom trawling on lobsters (Homarus americanus) in Long Island Sound. Fishery Bulletin. 85(4).
- Smith, E.M. and L.L. Stewart. 1985. A study of lobster fisheries in the Connecticut waters of Long Island Sound with special reference to the effects of trawling on lobsters. Report to Connecticut Guard Assembly on Special Act 83-29. 56p.



APPENDIX B

PUBLIC HEARING SUMMARIES AND WRITTEN COMMENTS

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

PUBLIC HEARING ON PROPOSALS TO AMEND
THE AMERICAN LOBSTER FISHERY MANAGEMENT PLANEllsworth, Maine
October 7, 1986SUMMARY COMMENTS

The public hearing was held at the Ellsworth City Hall commencing at 7:00 pm, chaired by Mr. James Warren, with Howard Russell from the Council staff. A public attendance list is attached.

Following introductory remarks by Mr. Warren, Mr. Russell outlined the proposed changes in the American lobster management program. Those changes would include an increase in the minimum carapace length from 3-3/16" to 3-5/16" to be accomplished by 1/32" increments over a 5-year period. As an integral part of the package, some form of protection would be afforded to lobsters which had been V-notched along the coast of Maine. In addition, the Council has expressed its intention to explore possible means for accomplishing a nation-wide minimum size limit and a uniform prohibition on scrubbed and egg-bearing female American lobsters.

There was almost complete uniformity in opinion by commentators that the minimum size should not be increased, with unanimous support for the Maine V-notch program. In addition, many commentators cited the 5" maximum size limit as being important in maintaining a breeding population. Several commentators adamantly expressed their belief that all other states should adopt an active V-notch program as practiced in Maine and a maximum size limit - that doing so would provide all of the necessary protection to the resource. Other commentators felt that taking no action would be preferable to the proposed changes.

Only two commentators expressed support for the proposal. Ed Blackmore, former Council member, pointed out that so long as V-notch protection was "welded" to the gauge increase, the Maine industry had much to gain from the proposal and that any initial losses from the gauge increase would be more than made up by larger lobsters. One other commentator felt that an increase in the minimum size may be beneficial, provided that Maine V-notch lobsters received protection. The same commentator, however, expressed concern that other states may not enforce the V-notch provision.

There was a generally expressed opinion that current enforcement efforts are inadequate, both within and outside of the state of Maine, and that adding further restrictions will only compound the problem.

Finally, several commentators advanced the thesis that if the aim of the program is to increase the lobster populations, the result will be to the fishermen's detriment through creation of a glut on the market with depression of the prices paid by dealers for landed lobsters.

The public hearing was adjourned at approximately 10:00 pm.

LOBSTER PUBLIC HEARING
City Hall, Ellsworth, Maine - 10/7/86
Public Attendance

Name	Address and/or Affiliation
Sheldon Carlson	Mountain Maine
Robert G. Davis Jr.	Beals Maine
Wayne Peabody	Jonesport Maine
Jim Peabody	Jonesport Maine
Lee H. Chandler Jr.	Jonesport Maine
Leland Faulkingham	Beals, Maine
William H. Crowley	Beals, Maine
Lyman A. Crowley	Beals Maine
Vin W. Crowley	Beals Maine
Frederic E. Beal	Beals - Maine
Joe Young	Corea Maine
Randy Anderson	Corea Me
Walter H. Hackett	Prospect Harbor 110
Ernie Benson	Prospect Harbor
Edna Crowley	Corea
Leonard Young	Corea
John Hark	Prospect Harbor
Dana E. Tracy	Prospect Harbor
Edward Hark	Corea
Thomas R. Lute	Corea
Nancy Crowley	Corea
Wendell Abbey	Beals
Clinton Libby	Beals
Phil Boynton	Gray, Me
Paul Kist	Jonesport
Sally Rice	Stonington State Representative
Robert L. Joyce	Seyon's Island
Robert M. Joyce	Seyon's Island Me
Jim Tomlinson	Blue Hill
Clason Alley Jr.	Beals, Me
Wilfred Appleby	Beals Me
Hubert Smith	West Jonesport, Me.
Horace W. Peabody Jr.	West Jonesport Me

B.3
NEW ENGLAND FISHERY MANAGEMENT COUNCIL

PUBLIC HEARING ON PROPOSALS TO AMEND
THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Rockland, Maine
October 8, 1986

SUMMARY COMMENTS

The public hearing was held at the Community Building in Rockland commencing at 7:00 pm, chaired by Mr. James Warren, with Howard Russell from the Council staff. A public attendance list is attached.

Following introductory remarks by Mr. Warren, Mr. Russell outlined the proposed changes in the American lobster management program. Those changes would include an increase in the minimum carapace length from 3-3/16" to 3-5/16" to be accomplished by 1/32" increments over a 5-year period. As an integral part of the package, some form of protection would be afforded to lobsters which had been V-notched along the coast of Maine. In addition, the Council has expressed its intention to explore possible means for accomplishing a nation-wide minimum size limit and a uniform prohibition on scrubbed and egg-bearing female American lobsters.

There was wide variability in the remarks expressed by commentators, ranging from total opposition to the proposal (as it relates to an increase in the minimum size) to an expressed realization that fishermen will have to "bite the bullet". The few fishermen in attendance who operate in offshore waters were generally in favor of the proposal, so long as effective protection was afforded to V-notch lobsters. All commentators spoke in favor of extending protection to V-notched Maine lobsters throughout the range of the species (Option 1), discounting the results from the tagging studies which suggest that such lobsters do not migrate to the southwest much beyond Cape Cod.

The issue of protecting V-notch lobsters has an important sociological dimension. Maine fishermen place a very high value on V-notched lobsters. They feel that if fishermen in other states have any regard for the sacrifice that V-notching has entailed over the years, then those fishermen will be willing to recognize that sacrifice, if only to the extent necessary to willingly inspect their catches for V-notch lobsters.

Miscellaneous comments:

- The Maine legislation is on the books and will go into effect if the Council acts, thus the issue is moot with regard to the Maine fishery.
- Concerned that the size of the escape vents ought to be increased as the minimum size is increased to avoid within-trap mortality from cannibalism.
- It was the understanding by Maine legislators that the Council would accomplish a national minimum size (not merely promote).
- Believe that lobster is a "depletable" resource.
- Believe that lobstermen in other states should be required to V-notch.

The public hearing was adjourned at approximately 9:00 pm.

LOBSTER PUBLIC HEARING

Page 1

Community Building, Rockland, ME

October 8, 1986

Public Attendance

Name	Address and/or Affiliation
Phyllis Little	Modena, Louisiana
Janice M. Plante	Commercial Fisheries New
MATT SAMUELS	Rockport, ME
Ed Diodore	Overhead Lobster Fish
WVING McLENDIE	Adviser Lobster Oversight Committee Oaks Head
AMY BJORK	Rockland, ME
Edward Maloney	Cushing, ME
Oliver Pollock	Cushing, ME Lob. Fish.
Kenneth Spear	Cushing, ME Lob. Fish.
Kenneth Spear Jr	Cushing, ME Lob. Fish.
Chris Cornell	Camden, Me, National Fishermen
Mr. John B. Chalender Sen. Dist 21.	Rockland
Dennis F. Farrin	South Bristol ME. Lobster Fishermen
Arnold L. Gamage Jr	South Bristol Maine Lobster F.
Bruce McLain V. President M.L.A.	New Harbor, Maine 04854
Arnold Kinnery	Spence Head, Me 04855
Don Beckford	New Harbor ME 04854
Jany Pitts	Rockland, Me.
Steve Snow	Spence Head Maine
Eric Tweedie	Spence Head Me

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

PUBLIC HEARING ON PROPOSALS TO AMEND
THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Portland, Maine
October 9, 1986

SUMMARY COMMENTS

The public hearing was held at the Sheraton in Portland commencing at 7:00 pm, chaired by Mr. Spencer Apollonio, with Howard Russell from the Council staff. A public attendance list is attached.

Following introductory remarks, Mr. Apollonio outlined the proposed changes in the American lobster management program. Those changes would include an increase in the minimum carapace length from 3-3/16" to 3-5/16" to be accomplished by 1/32" increments over a 5-year period. As an integral part of the package, some form of protection would be afforded to lobsters which had been V-notched along the coast of Maine. In addition, the Council has expressed its intention to explore possible means for accomplishing a nation-wide minimum size limit and a uniform prohibition on scrubbed and egg-bearing female American lobsters.

Ed Blackmore, former Council member, spoke several times indicating that the proposal (as an inseparable package) will benefit the resource and lead to an improved fishery. He expressed his belief that the proposal has something for everyone, but that protection for V-notch lobsters should extend throughout the range since a V-notch line would not be approvable by the Secretary of Commerce.

Several commentators indicated that the gauge should be increased and V-notch lobsters should be protected throughout the range (Option 1). It was noted that Maine fishermen V-notch many lobsters - if the gauge is increased, then even more lobsters will be V-notched. Therefore, the two parts of the proposal must be inseparable. Moreover, if protection to V-notch lobsters cannot be accomplished, then recommend nothing be done.

Several comments were directed towards enforcement issues:

- Canadian imports should meet the same standards as the domestic fishery.
- Lobsters must be checked at the wharf (not rely on at-sea enforcement).
- There should be state regulations (not just Federal) to protect V-notch lobsters.
- Should have nation-wide enforcement of the minimum size.
- Foresee potential problems with non-conforming states (with regard to protection of V-notch lobsters).
- The total enforcement effort should be improved.

Two commentators spoke to the issue of the effects of dragging. One fisherman simply stated that there should be a ban on dragging for lobsters. Noting that it would be helpful to have Sea Grant institutions examine the problem, another commentator observed that "dragging for lobsters is like harvesting tomatoes with bulldozers".

The public hearing was ajourned at approximately 8:45 pm.

LOBSTER PUBLIC HEARING
Sheraton - Portland, Maine
October 9, 1986

Page 1

Public Attendance

<u>Name</u>	<u>Address and/or Affiliation</u>
Joseph Fessenden	Maine Marine Patrol
STEPHEN E. CASSAR	158 SPURWINK AVE C.F.
Raymond Verrill	Scarborough, ME
Ernie Marden	S. Hayeswell, ME
W. Buckman	Scarborough, ME
Betty Ward	Lewiston, ME
Richard Welsh	Saco, ME
Tony Skelfield	Cape Elizabeth, ME
John M. Maxwell	Cape Elizabeth
Tom MacDane	Se Portland / Long Island
Peter McAloney	Se Portland, New Portland Lob
William K. B. A. Jr.	SCARBORO, MAINE
Herbert W. Michelson	Kennap Bunk Port Port Lobster
Jim Kimbrell	CAPE PORPOISE MAINE
Bob Putnam	CHEBEAGUE ISLAND, ME.
Jeff Walsh	COASTAL FISHERIES

RECEIVED

OCT 14 1986

October 10, 1986

Dear Spencer

OFF. OF THE ATTORNEY GENERAL
QUEBEC

This is the little speech I made in Portland, please give it to the proper person or persons who ever they are. I will be happy to read it again anywhere anytime, just let me know when. Let's face it lobstering just isn't as good as it used to be.

I will call you October 20 or 21 and we can make a date for a working meeting with our association.

Jim Kimbrell

Jim Kimbrell
Pier Road
Cape Porpoise
Maine 04014

October 10, 1986

New England Fishery Management Council

Dear Councilmen

The minimum size should be increased. For years many marine biologists have recommened changing the minimum size. Now many lobstermen agree the minimum size should be changed.

Maine lobstermen have been fishing under a v-notch provision for many years without complaint. They know v-notched lobsters have a chance to reproduce. They know they cannot keep every female lobster that does not have eggs. Maine lobstermen would like to see lobstermen from other areas respect the fact that we are giving some female lobsters a chance to reprodece. the prohibition on possession of v-notched lobsters should apply throughout the range of the species. That is the only option consistent with national standard number 3.

After all how many lobsters are produced under a v-notch provision vs. how many lobsters are produced without a v-notch provision.

What are the effects of trawling for lobsters. Let's use our imagination. It probabally makes the bottom smooth. If a lobster is in the way it goes into the net. In Massachusetts draggers go after lobsters, if lobster traps are in the way they might be destroyed. Dragging for lobsters has become a directed fishery. Let's face it dragging for lobsters is like harvesting tomatoes with a bulldozer.

We lobstermen are not doing as well as we would like. Changes need to be made.

Lobsters are a limited resource, until now there has been nearly unlimited effort to catch them.

Let's manage the resource, let's make some changes. Let's increase the minimum size. Let's protect v-notch lobsters everywhere. Let's make draggers catch what they were designed for catching fish not lobsters.



Jim Kimbrell

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

PUBLIC HEARING ON PROPOSALS TO AMEND THE
AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Narragansett, RI, October 9, 1986

SUMMARY MINUTES

The public hearing was held at the Corless Auditorium, Bay Campus, University of Rhode Island. Chairman David Borden convened the hearing at 7:10 pm. Guy Marchesseault, representing the Council Staff, presented the proposals. A public attendance list is attached.

Chairman Borden asked that the entire proposal be presented before comments were received. Guy Marchesseault reviewed the overall proposal document and described in detail the bases for the proposed gauge increase (from 3-3/16 inches to 3-5/16 inches over 5 years), and the proposed prohibition on the possession on of V-notched lobsters. He also discussed the Council's efforts to secure a nationwide ban on the possession of sub-legal sized or berried/scrubbed lobsters, as well as the Council's intention to identify research on the impact of trawling on lobsters as a priority for federal funding.

Mr. Nelson, speaking for the RI Lobsterman's Association, commented favorably on the proposed gauge increase, but indicated that he would like to see something in return. He cited concern for continuing entry of vessels into the fishery and for the impacts of trawling upon the lobster resource and the habitat.

Mr. Hall, representing the Ocean State Fisherman's Association, expressed general support for increasing the gauge, but stated that is a need for increased enforcement. He also suggested that the timing of the increase should be changed to provide an "off year" between each of the proposed 1/32 inch increases.

Mr. Palumbo, echoing support for increased enforcement, indicated that there is an increasing business in short lobsters.

Mr. Allen, speaking for the Atlantic Offshore Fishermen's Association, indicated that the membership generally supports the proposal, but expressed concern that other considerations were not included in the package, namely a program of increased enforcement and a nationwide prohibition on the possession of lobsters that do not meet the management standards. He distributed an information document describing past efforts to manage the lobster resource (attached). Mr. Allen further suggested that an increase in the size of the trap vent should come with the first incremental increase in the gauge. He also stated that the current vent specification of 1-3/4 inches is too small; 1-7/8 inches is more appropriate at the current minimum size.

Mr. Robert Smith spoke in favor of a rapid increase in the size of the vent to minimize the number of illegal lobsters in the pot. This position was favored by other inshore lobstermen.

A view to the contrary was expressed by an offshore lobsterman, who indicated that they (FCZ fishermen) had just recently been required to install vents in their traps and that an increase in the vent size should be delayed.

With respect to the proposal to prohibit the possession of V-notched lobsters, Mr. Allen indicated that it would be an inappropriate burden for fishermen outside the general Gulf of Maine area to have to look for and be accountable for the possession of relatively rare V-notched lobsters. Therefore, Mr. Allen spoke in favor of having the possession prohibition limited to the area north of 42°10' N Latitude (Option 2). No one disagreed with Mr. Allen's position on the V-notch proposal.

In summary, the major views expressed at the hearing included:

- General support for an increase in the gauge from 3-3/16 inches to 3-5/16 inches, with mixed views on the timeframe;
- General support for a prohibition on the possession and landing of V-notched lobsters, conditioned upon the adoption of Option 2;
- Support for an increase in enforcement, state and federal; suggestion that as a condition of the permit enforcement officers be allowed to board and inspect without probable cause;
- Scattered support for a limit on diver-caught lobsters; a limit on the number of lobster licenses; and elimination of the financial incentives for entry presented by the SBA and the FVGLP and CCF programs.

Chairman Borden adjourned the public hearing at approximately 9:45 pm.

GM.0543G

LOBSTER PUBLIC HEARING

Narragansett Bay Campus, URI, Narragansett, RI

October 9, 1986

Public Attendance

Name	Address and/or Affiliation
Manuel Silva	19 RI Ave Npt RI F.I.N.
RICHARD H. OWENS	39 EXETER BLVD WARREN, R.I. Boat
THOMAS HAZEL	REDIST TOWNSHIP PT. RD. WARREN R.I.
ANDREW SCOTT	74 BRIDGE ST. WARREN, R.I.
Steve Salamon	52 Bridge ST. Warren R.I.
Bill MCCAFFREY	30 WAMPAN RD NARRAGANSETT RI
Bob Zeman	21 Ridgewood RD Midd
Bruce Salom	AOFA.
SK. Fleet	Commercial Fisheries, New
Albert Chausky Jr.	Jerry Brown Farm Wakefield R.I.
Mark M. Sweetser	592 School House Rd Wakefield, R.I.
Neil Nordey	NINIGRET AVE Narragansett R.I.
AL EASLES	543 EAST Shore Rd JAMESTOWN
Richard Nelson	POB 144 LEWYON RE R.I. LA
John R. Brooks	One Haha Ave. Narr. R.I. LA
Beil Solitor	554 SEASON Lumbold Fin.
RICHARD B. ALLEN	ATLANTIC OFFSHORE ENTERPRISES ASSN
John Rabady	1151 Ocean Ad Narragansett
Steve Willey	Spencer Ln. Wakefield, R.I.

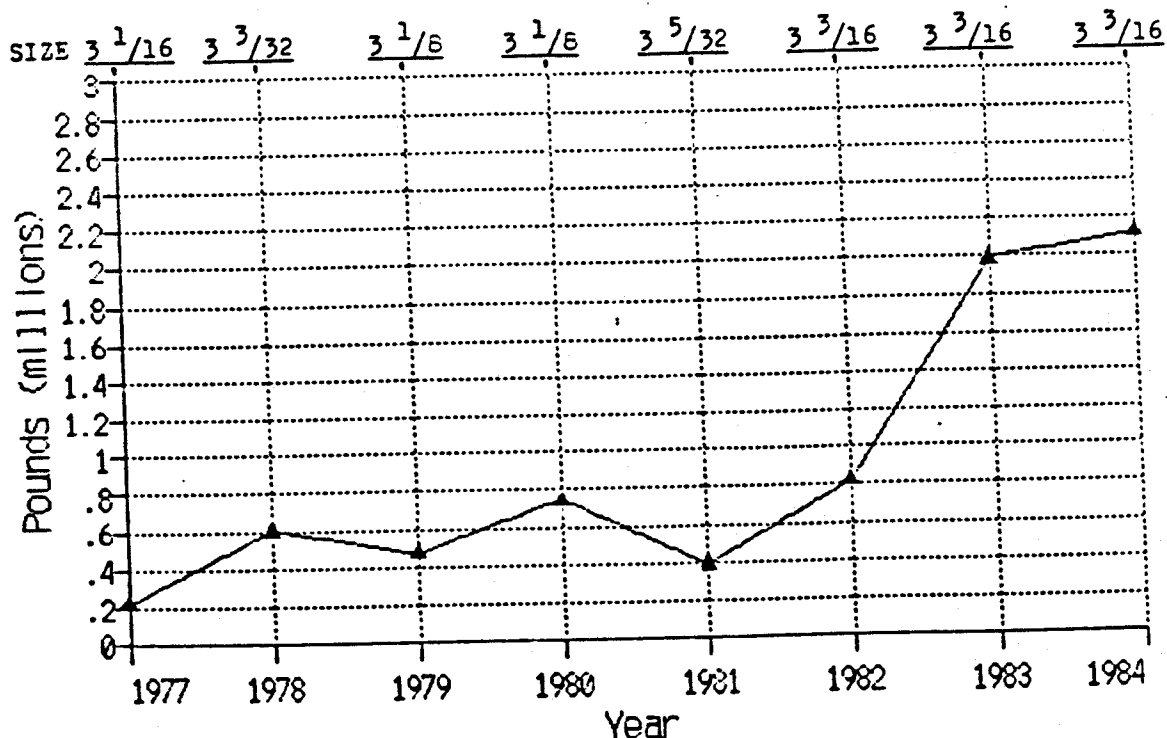
LOBSTER SIZE/WEIGHT CHART

Carapace Length (inches)	Average Weight (Lbs.)	MAINE
3-3/16.....	0.97	.93
3-1/4.....	1.03	.99
3-5/16.....	1.09	1.03
3-3/8.....	1.15	1.10
3-7/16.....	1.21	
3-1/2.....	1.27	1.21
3-9/16.....	1.34	
3-5/8.....	1.41	1.33
3-11/16.....	1.48	
3-3/4.....	1.55	1.45
3-13/16.....	1.63	
3-7/8.....	1.71	
3-15/16.....	1.79	
4.....	1.87	

REPRESENTATIVE PRICES BY SIZE

1985

	7/6	7/21	8/31	9/14	10/9	11/1	11/16	11/28
Chickens	\$2.50	\$2.00	\$2.40	\$2.00	\$2.25	\$2.65	\$3.25	\$3.15
Selects	3.50	3.65	4.00	4.00	3.50	3.90	4.25	4.15
Jumbos	3.10	3.25	3.50	3.50	3.25	3.35	3.45	3.35
Culls	2.25	1.75	1.90	1.80	1.70	2.10	2.35	2.25



R.I. Inshore Catch & Legal Size

AVERAGE WEIGHT OF LOBSTERS
IN MAINE CATCH

<u>YEAR</u>	<u>AVERAGE WEIGHT</u>
1898	1.50 lbs.
1899	1.75
1900	1.75
1901	1.71
1902	1.84
1903	1.75
1904	1.75
1905	1.50
1906	1.75

Average 1.70 lbs.

The above information taken from the 29th Report of the
Commissioner of Sea and Shore Fisheries - 1905-1906.

1940	1.13 lbs.
1941	1.11
1942	1.11
1943	1.19
1944	1.20
1945	1.22
1946	1.20
1947	1.18
1948	1.18
1949	1.13
1950	1.16
1951	1.17
1952	1.15
1953	1.15
1954	1.13
1955	1.16
1956	1.17
1957	1.18

ATLANTIC OFFSHORE FISHERMEN'S ASSOC.
221 THIRD ST. P.O. BOX 3001
NEWPORT, RI 02840
401-849-4232

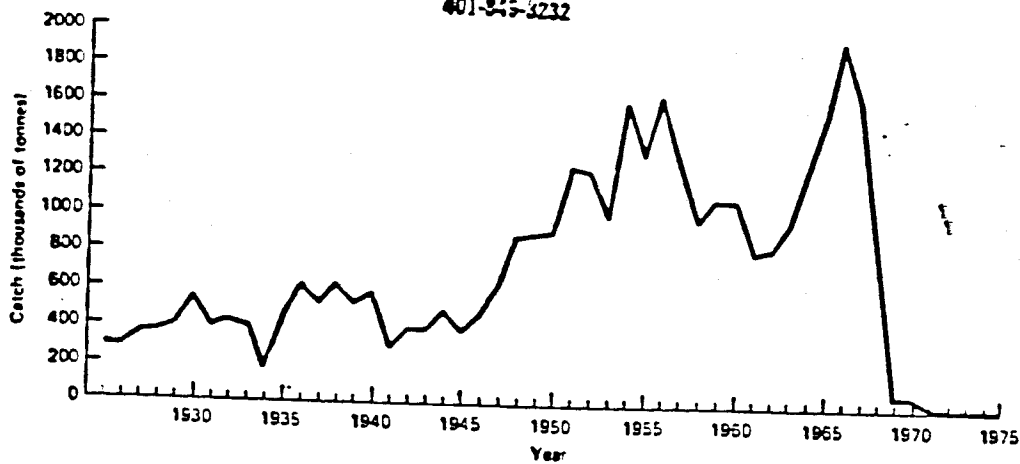
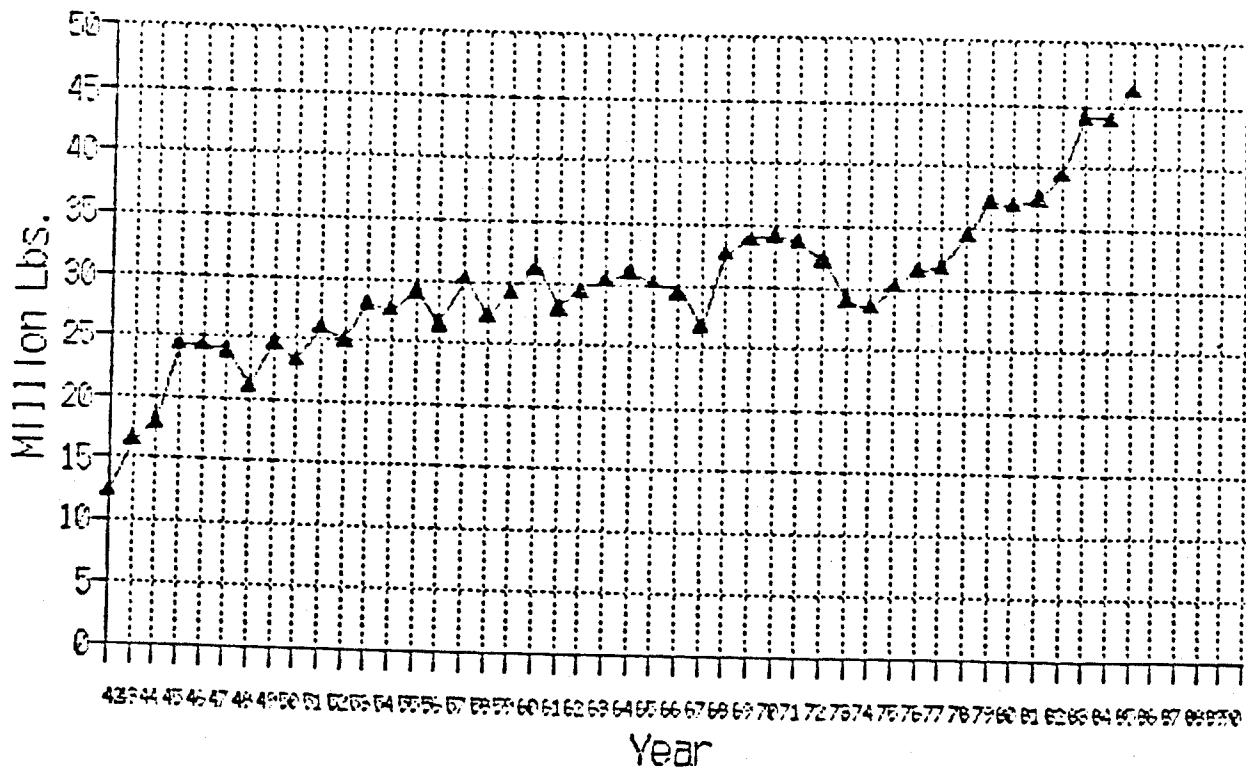
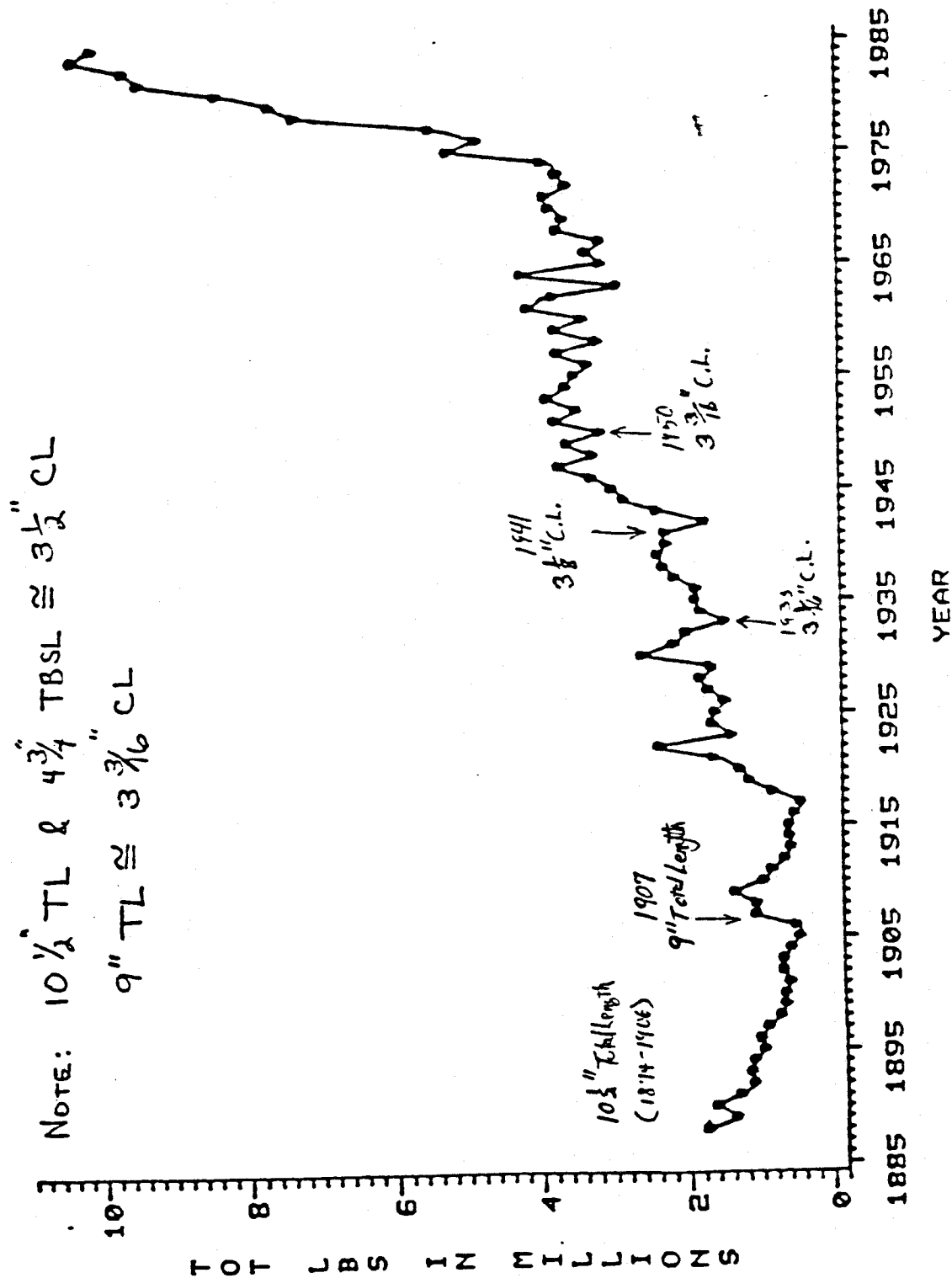


Figure 1---Catches of Norwegian spring-spawning herring (after Schumacher 1980).



U. S. Lobster Landings, 1942-1985

FIGURE 1.
MASSACHUSETTS INSHORE LOBSTER LANDINGS (1888-1984)



NEW ENGLAND FISHERY MANAGEMENT COUNCIL
PUBLIC HEARING ON PROPOSALS TO AMEND
THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Portsmouth, New Hampshire
October 10, 1986

Meeting Summary

The meeting was called to order by Mr. Spurr at 7:05 pm. After opening remarks by Mr. Spurr, Mr. Kellogg described the proposed amendment and its expected impacts on the Gulf of Maine lobster fishery. Mr. Spurr then solicited comments on the proposals.

INCREASED MINIMUM SIZE Nine people spoke in opposition - no one spoke in favor. The reasons stated for the apparent unanimous opposition were:

1. The gauge increase would cause too great a decrease in landings. One lobsterman stated that he had suffered a 36% decrease in landings since New Hampshire increased the gauge size from 3-3/8" to 3-3/16". It was unclear whether this was the first-year loss or whether it was a cumulative loss. Mr. Nelson of the New Hampshire Fish and Game Department confirmed that lobstermen experienced on average about a 26% decrease in landings following the gauge increase.
2. The real problem in the lobster fishery is not the gauge size but draggers. Draggers are taking too many lobsters and damaging the habitat. Catching lobsters with a dragger was likened to collecting eggs from a henhouse using a backhoe. In addition, current regulations on the catch of lobsters by draggers are not being effectively enforced in New Hampshire and Massachusetts.
3. Lobstermen will increase the number of traps they fish in order to compensate for any losses caused by a gauge increase. Therefore, the conservation benefits of a gauge increase would be negated.
4. Gauge increases have not enhanced lobster stocks in Maine, Massachusetts or Rhode Island. The most recent gauge increases in Rhode Island have caused catches to decline.
5. Market economics will prevent overfishing for lobster to the degree necessary.
6. There is no real conservation benefit from a gauge increase. 90% of the lobstermen in Maine oppose the increase.

PROTECTION OF V-NOTCH LOBSTERS Eight people spoke in favor of extending Maine's V-notch regulations either to New Hampshire or throughout the range of the species (Option 1). All those favoring the extension of V-notch regulations commented that it would increase the reproductive potential of lobsters. Some said that although they had previously opposed V-notch regulations, they had now changed their minds.

Mr. Hatch read a statement from the New Hampshire Fish and Game Commission which opposed any extension of V-notch regulations for the following reasons:

- 1) Lobstermen in Massachusetts and New Hampshire did not support the protection of V-notched lobsters the last time it was included as part of the lobster FMP.
- 2) The majority of state fisheries administrators opposed the measure the last time it was introduced.
- 3) V-notched lobsters contribute only 0.3% to the catch of lobsters in New Hampshire.
- 4) If the New England Fisheries Management Council finds that V-notching is a valid management measure then it should be applied throughout the range for lobster in order to comply with National Standard #3 of the MFCMA.

The meeting was was attended by 28 people and was ajourned at 9:15 pm.

ck/0835H

City Council Chambers, Portsmouth, NH

October 9, 1986

Public Attendance

Name	Address and/or Affiliation
Koe Marsh	40 Williams Ave Kittery Me.
Steve Taylor	10 Island Ave Kittery Me.
Jay Smith	1 Pepperell Rd Kittery Pt. Me.
Jeff Walter	Sagamore Grove Portsmouth, N.H.
Karl Compton	2109 Woodbury Ave Newington NH
Andrew D. O'Rourke	RFD 4 Box 605 GILFORD N.H.
Spider M. Ruel	old dairy road Newington NH
Thomas L Davis	374 Lincoln Ave Portsmouth N.H.
Larry Glidden	93 Paspaige Way Portsmouth, N.H.
Frederick Curtis	Crank Road Hampton Falls NH
Frank R. Newick	2 Pine Grove Lane York, Me 03909
Ellen H. Latta	Rock N.H. N.H. FISH GAME COMMISSION
CHARLES W. CLARK JR	17 WINNISSETT RD. STRATHAM, N.H.
Robert L. Nudd Jr.	11 Roberts Dr. Hampton, N.H.
John B. Wastern	29 Sheak St. Portsmouth, N.H.
Edmund L. Daigle	419 Dover Pt. Dover N.H.
John Wilson	366 Grant Ave Portsmouth N.H.
Janice M. Plante	Commercial Fisheries News
Redman Getchell	Boothbay Harbor, Me. D.F.R.
DAN DRESHEAR	187 MARCI ST. PORTSMOUTH
BILL MARCONI	Shagbush Island Portsmouth
Viv. Marconi	"
Pete Flanigan	1053 Washington Rd. Rye
Earle Sanders	34 Pray St. Portsmouth
Richard Locke	63 South Rd. Rye
George B. Ricker	Box 55 NEW CASTLE N.H.
PHILIP SOUTH	54 DENISE ST. PORTSMOUTH, NH
Bob McNamara	5 Arthur Rd. Portsmouth N.H.
Chris Kellogg	NEWPORT STAFF

MY NAME IS ELLIS HATCH, OF THE NH FISH AND GAME COMMISSION.

THE NH FISH AND GAME COMMISSION IS OPPOSED TO ALL OPTIONS PUT FORTH IN THE PROPOSAL TO PROTECT V-NOTCHED LOBSTERS.

THE PROPOSED V-NOTCH MEASURE IN THE AMERICAN LOBSTER FMP IS TO PROVIDE SUPPORT TO THE MANAGEMENT PROGRAM IN MAINE. DURING PUBLIC HEARINGS FOR THE LOBSTER FMP, THE V-NOTCH PROGRAM WAS WIDELY SUPPORTED IN MAINE, BUT PUBLIC HEARINGS IN THE OTHER NEW ENGLAND STATES AND MID-ATLANTIC STATES ELICITED NO DIRECT SUPPORT. LOBSTERMEN IN MASSACHUSETTS AND NEW HAMPSHIRE MADE IT CLEAR THEY COULD NOT SUPPORT THE ADOPTION OF A V-NOTCH REGULATION THAT ADVERSELY AFFECTED THEIR STATES' LOBSTER FISHERMEN WHO OPERATE IN FCZ WATERS. HISTORICALLY, MASSACHUSETTS AND NEW HAMPSHIRE ALSO HAD V-NOTCH REGULATIONS. THE REGULATIONS FOR BOTH STATES HAVE BEEN REPEALED, IN ORDER TO CONFORM TO THE STATE-FEDERAL COASTWIDE LOBSTER MANAGEMENT PRECEPT (1972) No. 7, WHICH STATES, "ALL STATES SHALL ENACT UNIFORM LAWS PROHIBITING THE NOTCHING OF FEMALE LOBSTERS." IN 1973, WHEN MAINE, MASSACHUSETTS AND NEW HAMPSHIRE WERE ALL ENFORCING V-NOTCH REGULATIONS, SPURR (1974) FOUND, IN NEW HAMPSHIRE COASTAL WATERS, THAT BERRIED, V-NOTCHED AND BERRIED, AND V-NOTCHED LOBSTERS ONLY CONTRIBUTED 0.3% TO THE CATCH. THIS INFORMATION, COMBINED WITH THE NEFMC OPINION THAT V-NOTCHED LOBSTERS DO NOT MIGRATE SIGNIFICANTLY OUTSIDE OF THEIR NOTCHING AREA, WOULD INDICATE THAT SUPPORT AND VALIDITY FOR V-NOTCHING AS A MANAGEMENT PROGRAM IS LIMITED, WITH THE EXCEPTION OF MAINE. THE LOBSTER FMP STATES THAT THE NEFMC BELIEVES THEIR APPROPRIATE ROLE IS TO PROVIDE REGULATIONS IN THE FCZ WHICH COMPLEMENT THOSE ALREADY IMPLEMENTED BY A MAJORITY OF STATES. THE NEFMC VOTING RECORD FOR THE V-NOTCH MEASURE, SHOWS FOUR OF THE FIVE STATE REPRESENTATIVES

VOTED AGAINST THE MOTION. MAINE WAS THE ONLY STATE VOTING IN FAVOR OF THE MOTION.

IF IN FACT THE NEFMC FEELS V-NOTCHING IS A VALID MANAGEMENT PROGRAM, THEN THE MEASURE SHOULD CONFORM TO NATIONAL STANDARD No. 3, IN WHICH THE FMP PROMOTE MANAGEMENT OF THE SPECIES THROUGHOUT THE RANGE.

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

PUBLIC HEARING ON PROPOSALS TO AMEND THE
AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Lewes, DE, October 27, 1986

SUMMARY MINUTES

The public hearing was held at the College of Marine Studies, University of Delaware, Lewes Campus. Chairman Ronal Smith convened the hearing at 7:10 pm. Guy Marchesseault, representing the Council Staff, presented the proposals. A public attendance list is attached.

Guy Marchesseault reviewed each of the proposals individually, describing in detail the bases for the suggested gauge increase and the prohibition on the possession of V-notched lobsters. He also discussed the Council's efforts to secure a nationwide ban on the possession of sub-legal sized or berried/scrubbed lobsters, as well as the Council's intention to identify research on the impact of trawling on lobsters as a priority for federal funding.

All of the public in attendance expressed the view that the proposed gauge increase would be good for the resource and good for other states, but that the proposal would hurt local fishermen because they are dependent on small lobsters and have just suffered a bad year with lobsters being scarce both in the inshore and offshore areas. Several commenters made the statement that everyone would be out of business with the gauge increase as proposed.

One commenter argued that it didn't make sense for Delaware to have to suffer economic hardship when Delaware landings constitute only a small fraction of the total region-wide production.

One commenter suggested that if the gauge were to be increased, then each increment should be followed by a year in which no increment was scheduled. The net effect would be that the increase to 3-5/16 inch would be achieved at the beginning of the 7th year instead of at the beginning of the 5th year.

On the proposal to prohibit the possession of V-notch lobsters, the commenters expressed no opinion on the merits of the proposal, except to indicate a preference for Option #2.

On other matters, several commenters expressed support for bio-degradable links in wire traps to keep lost traps from ghost fishing. These commenters were quick to add that wooden traps in local, inshore areas are quickly devoured by worms, so links are not necessary. The fishermen indicated that the trap construction they most frequently use is mesh over a wooden or wire frame (similar to sea bass pots).

In summation, the public expressed the following views:

- the proposed gauge increase would put them out of business; although, if they had to suffer some sort of gauge increase, it should be spaced out over more years;
- although they had no strong opinion on the V-notched lobster proposal, they favored adoption of Option #2;
- measures to prevent ghost fishing could be supported for some gear types.

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Lobster Public Hearing
College of Marine Studies, Lewes, DE
October 27, 1986

Public Attendance

<u>Name</u>	<u>Address and/or Affiliation</u>
<i>Joe Egan</i>	<i>106 Seaside Dr. Salisbury, Md.</i>
<i>Todd Foman</i>	<i>RD 2 Box 2040 Lewes, DE</i>
<i>Richard P. Green</i>	<i>RR 4 Box 92 Georgetown Del. 19947</i>
<i>Lucio Castaldi</i>	<i>Rt 1 Box 317 - 43 Ocean City</i>
<i>Donald Judy</i>	<i>Rt 2 Box 33 E Georgetown Del. 19947</i>

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Lobster Public Hearing
Holiday Inn, Peabody, MA
October 27, 1986

Summary Minutes

A public hearing was held at the Holiday Inn in Peabody, MA to receive comment on the proposal to increase the minimum carapace size and other measures under consideration in Amendment 2 to the Lobster FMP. Mr. Tony Verga chaired the public hearing and was assisted by Rich Ruais. Approximately 40 people attended, and the attendance roster is attached. The meeting began at 7:00 p.m. and ended at 8:45 p.m.

Mr. Verga opened the hearing and provided some background information on the proposals before requesting comment on the proposed increase in the carapace length.

INCREASE MINIMUM SIZE A number of individuals (Joe Monahan, Dick Biranelli and Bob LeBlanc) suggested that there should be consideration of a trap limit before any increase in the minimum size. One person stated that there should be a trap limit instead of any increase in the size. Mr. Mike Hogan favored a trap limit, gauge increase and a freeze on licenses.

Mr. Lou Williams stated that an increase in the gauge without some limit on the number of traps will mean fishermen will set out more traps to make up for the lost catch.

Mr. Jeff Thomas, Michael Bonner and Tony Paszkowski stated a concern that any steps taken by lobster fishermen to conserve the resource were being negated by draggers. These individuals, along with others, strongly urge the Council to take action against the practice of taking lobsters by dragging.

Mr. John Zdanowicz stated that he was not against the gauge increase but that there was a need for more law enforcement. He was very concerned about recreational lobstermen taking shorts.

Mr. John Daniels (a sport diver) stated that he and many dive clubs strongly supported the increase in the minimum size and agreed that there needed to be more enforcement lobster management measures. He is concerned about the effects of dragging for lobsters particularly in near shore areas.

Mr. Jack Snow stated that an effort needed to be made to inform judges of the importance of lobster conservation laws so that they would deal with violators appropriately. He stated that he was in favor of the gauge increase and that through his participation in the State's lobster trap statistical program he was convinced that there would be a small loss (less than 2%) in the first year followed by a gain in the second year.

Mr. Mike Polisson stated that he favored the increase in the gauge but that the schedule should skip a year between each increase in the minimum size. There were many in attendance who agreed with Mr. Polisson's proposal.

Mr. Snow stated that January 1 was a good time to increase the gauge.

Mr. Verga polled the public present at the hearing and found 16 in favor of the gauge increase 14 opposed. 3 fishermen were undecided.

Mr. Verga called for comment on the three options for honoring the V-Notch effort of Maine fishermen.

Mr. Polisson stated that he supported Option 1 to honor the program throughout the range to facilitate enforcement.

Mr. Verga polled the audience and found that there was close to unanimous support for Option 1 among the public in attendance.

Mr. Verga then asked for comment on the Council's proposal to encourage research on the effects of dragging on the habitat and lobster resource.

Mr. Verga concluded that there was strong and unanimous support for the Council to seek out such research on the effects of trawling for lobsters.

Mr. Verga then asked for comment on whether the Council should seek a national minimum size on lobsters and a nationwide ban on the possession of scrubbed and berried lobsters.

Mr. Verga polled the audience and concluded that there was unanimous support for the Council to seek a national minimum size and national prohibition on scrubbed and berried lobsters.

At the request of Mr. Bob Wheeler, Mr. Verga then encouraged discussion among the fishermen on what would be an appropriate limit on the number of traps. The response of fishermen ranged from 400 to 1500 traps.

RR.0132N

Lobster Public Hearing
Holiday Inn, Peabody, MA - 10/30/86

Public Attendance

Name	Address and/or Affiliation
TONY PASZKOWSKI	7 GLENWAY AVE PEABODY
MARK MYSLINSKI	SALEM
TOM O'CONNOR	48 Wellington ST Beverly
Jack Snow	11 Crosby Ave Salem
Jeff Thomas	9 Haskell Ct Gloucester Cape Ann Lobster
TED TYSVER	R 14 MARBLE ST. Gloucester MUA GLA
Joe Williams	476 Humphrey ST Swampscott
Tom LeBlanc	322 Paradise Rd. Swampscott
Joe Monahan	71 Walnut Rd Swampscott
Robert LeBlanc	1 Bayview Ave Swampscott
Tom Boyer	176 Essex Ave Lynn
Michael Hogg	3 Hidden Rd Beverly
Richard O'Connor	47 Bay View Rd MA Rd
Joe Sullivan	9 Parker St Beverly
Tom Bartholomew	16 Crestline Circle Beverly
Fred Bartlett	211 Webster Ave Beverly
John Daniels	10 Newhall Rd Lynnfield MA 01940
John J. Clarys	31 Swan St Beverly
Michael Polsson	Highland Rd Peapack NJ 01966
Rick Brianna	128 Lincoln St Winthrop MA 02152
Bractford Bowen	39 Abbott St. Lynn MA 01905
John Ojelle	8 Mountain Ave Squam Mass 01966
Mike Nash	31 Haverhill Ave Haverhill, Mass 01830
Bob Hathorne	12 Princess St #2 Woburn MA 01880 #6320
Scott Swicker	Box 1510 Gloucester MA
Kent J. Murphy	57 Puritan Rd Swampscott MA
Frank C. Tate	
Dan J. Well	LAUREL AVE Gloucester MA
Stephen Beete	#15 E. Collins St Salem
Charles Vogler	31 River View Ave Danvers Mass
B. Brinelli	44 Western Ave Beverly Mass
R. J. Whelan	MLA
Joel Marie	5 Wharf St Nahant
Ken Fogell	Franklin St Everett Ma

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

PUBLIC HEARING ON PROPOSALS TO AMEND THE
AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

West Long Branch, New Jersey, October 28, 1986

SUMMARY MINUTES

The public hearing was held at the Ramada Inn, Route 36, New Jersey. Chairman Bruce Freeman convened the hearing at 7:00 pm. Guy Marchesseault, representing the Council Staff, presented the proposals. A public attendance list is attached.

Guy Marchesseault reviewed each of the proposals individually, describing in detail the bases for the suggested gauge increase and the prohibition on the possession of V-notched lobsters. He also discussed the Council's efforts to secure a nationwide ban on the possession of sub-legal sized or berried/scrubbed lobsters, and the Council's intention to identify research on the impact of trawling on lobsters as a priority for federal funding.

Speaking on behalf of the many of the other 40-50 lobstermen at the hearing, Mr. Stillufsen made the following points:

- most lobster fishermen are in favor of conservation;
- New Jersey fishermen are just now in the last leg of several gauge increases, which have carried them from 2-3/4 inches in 1983 to 3-3/16 inches at the beginning of 1987 (schedule attached);
- pollution has not (sufficiently) abated in recent years in the New York Bight area, and it is questionable whether the gauge increases are, in fact, conserving the resource;
- data on lobster landings and values, which have allegedly documented improvements accompanying the NJ gauge increase, are inaccurate; major buyers are not monitored or interviewed; increased landings this year were accompanied by low prices;
- it is inappropriate to improve the resource at the expense of current fishermen, without some assurance that those who have sacrificed will be in a position to reap the benefits; some form of barrier to entry must be applied to the fishery, such as an apprentice or guild system (not limited entry).
- fishermen are generally opposed to further increases in the gauge, and it doesn't matter what timetable is followed.

Mr. Stillufsen called for an informal poll of the fishermen in attendance on the question of support for the proposed gauge increase; no one indicated support.

Much discussion followed on various aspects of the positions represented by Mr. Stillufsen, with no difference in opinion indicated. One major point raised by other fisherman related to the federal prohibition on the landing of parts. Mr. Bannick, an offshore fisherman, indicated that it made little sense for him to have to discard legal lobsters in the event that his on-board recirculating seawater system failed, when the alternative could be to butcher the lobsters, keep the parts on ice, and land legal tails and claws. Other fishermen echoed the same view, and it was pointed out that the State of New Jersey allows fishermen to land tails so long as those tails meet a minimum size standard that assures that they came from legal size (carapace length) lobsters.

Mr. Moller, speaking on behalf of the New Jersey Commercial Fishermen's Association summarized the public's views as follows:

- the amendment should not be pursued;
- fishermen operating with federal permits should be allowed to land legal tails and claws.

Mr. Freeman adjourned the hearing at approximately 10:00 pm.

GM.0545

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Lobster Public Hearing

Holiday Inn, West Long Branch, NJ

October 28, 1986

Page 1

Public Attendance

Name	Address and/or Affiliation
George W. Winter	40 Williams St. Old Bridge NJ 08857
JEFFREY M. WILSON	Council, N.J. Council Fishermen's Assoc.
Lionel Williams	509 Ocean Park Ave Bradley Beach NJ
Albert Thompson	105 Wilson Ave Port Monmouth NJ
Norman J. Williams	179 Brookside Dr. BE/Belford
Albert C. Thompson Jr.	111 Bay Ave (rear) ATL. HIGH
Gerald D. Davis Jr.	143A MAINE ST. BELFORD
Gerald Thompson Jr.	143 " " "
Ralph H. Kent	1613 Leslie St. Wall NJ
Cheryl Johnson	410 Brimley Ave Bradley Beach N.J.
Johnny Lewis	312 Campbell Ave Neptune
Ray G. Ganska	100 Cliff Ave Bradley Beach N.J.
Mike Godeska	27 BELLEVUE LEONARDO N.J.
Robert M. Ganska	18 82nd Ave Highland
William Foster	102 Melford Rd Neptune
John H. H. H.	Belmar
Charles Van Sledright	132 Elmwood Dr. Bricktown NJ
William H. H. H.	30 Swan Ave Locust NJ
Robert C. Armstrong	194 Bay Ave Highland N.J.
Albert H. H.	43 Carlton St Belford
Richard G. Ganska	183 Palmyre St Belford
Bruce G. Ganska	57 Howell Rd Freehold
Tom H. H. H.	507 LERMAN Bradley Beach
John H. H. H.	301 LERMAN Bradley Beach
Jim Reed Jr.	44 Railroad Ave BELFORD
JOHN J. BOYCE	47 LENISON AVE BELFORD NJ
Chuck Boyce	5 Stephen Street Hackett NJ
Gef. Ganska	NJSGES 1023 Whitesville Rd. Toms River NJ 08753
Bern Ganska	3- SECOND AVE Port Monmouth N.J. 07758
Michael Ganska	Md - Atlantic Lobster, Neptune
JOHN G. GWIN	POINT LOBSTER CO. OWNER
	46 BROADWAY PT. PLEA, BCH. N.J.
JACK BAKER	527 CRAIG AVE S.I. NY- 10307



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

DIVISION OF
FISH, GAME AND WILDLIFE
RUSSELL A. COOKINGHAM
DIRECTOR

PLEASE REPLY TO:
CN 400
TRENTON, NEW JERSEY 08625

October 28, 1986

Mr. Guy Marchesseault
New England Fishery Management Council
5 Broadway
Saugus, Massachusetts 01906

Dear Guy:

Enclosed for your information are some catch figures for the New Jersey commercial lobster fishery. These cover the years 1983 through 1985 and summarize the lobster landings by county, by month, as well as the dollar value. The data indicate that the legal landings rose from about 770,000 lbs. in 1983 worth just over two million dollars to 1,080,000 lbs in 1985 worth three million dollars. It is our information that the 1986 catch was even greater than 1985, however, we do not have the NMFS data to confirm this at the present time. If you have any questions, please feel free to give me a call.

Sincerely,

Bruce L. Freeman, Administrator
Marine Fisheries Administration

nel

Enclosure

Time schedule of State and Federal Management
Regulatory Implementation

State

Federal

September 7, 1983

1. Prohibition of the landing or possession of lobster meats or egg-bearing females.
2. Legal minimum tail size: 1-1/16".

December 1983

1. Legal minimum carapace: 2-3/4".
2. Legal minimum tail size: 7/8".
3. Prohibition of the landing or possession of meats or parts not otherwise permitted or egg-bearing females.
4. Escape vents and gear marking may be required.

January 1, 1984

1. Minimum legal carapace: 2-7/8".
2. Minimum legal tail size: 29/32".
1. Permits required.

January 1, 1985

1. Minimum legal carapace: 3".
2. Minimum legal tail size: 15/16".
1. Minimum legal carapace: 3-3/16".
2. Prohibition of the landing or possession of lobster parts.
3. Escape vents required.
4. Gear marking required.

January 1, 1986

1. Minimum legal carapace: 3-1/8".
2. Minimum legal tail size: 1".

January 1, 1987

1. Minimum legal carapace: 3-3/16".
2. Minimum legal tail size: 1-1/16".

LOBSTER LANDINGS FOR 1979 BY WATER AREA.

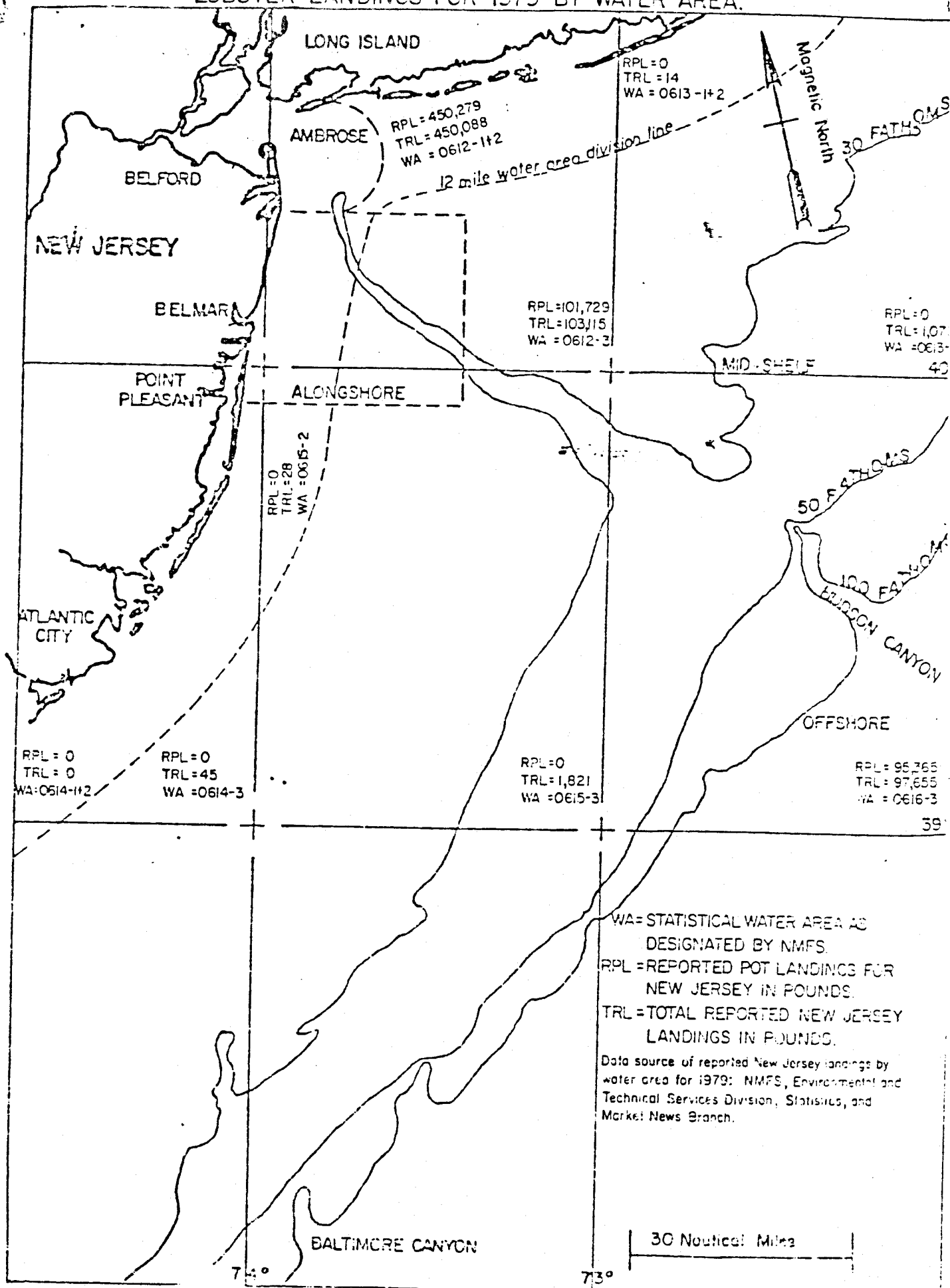
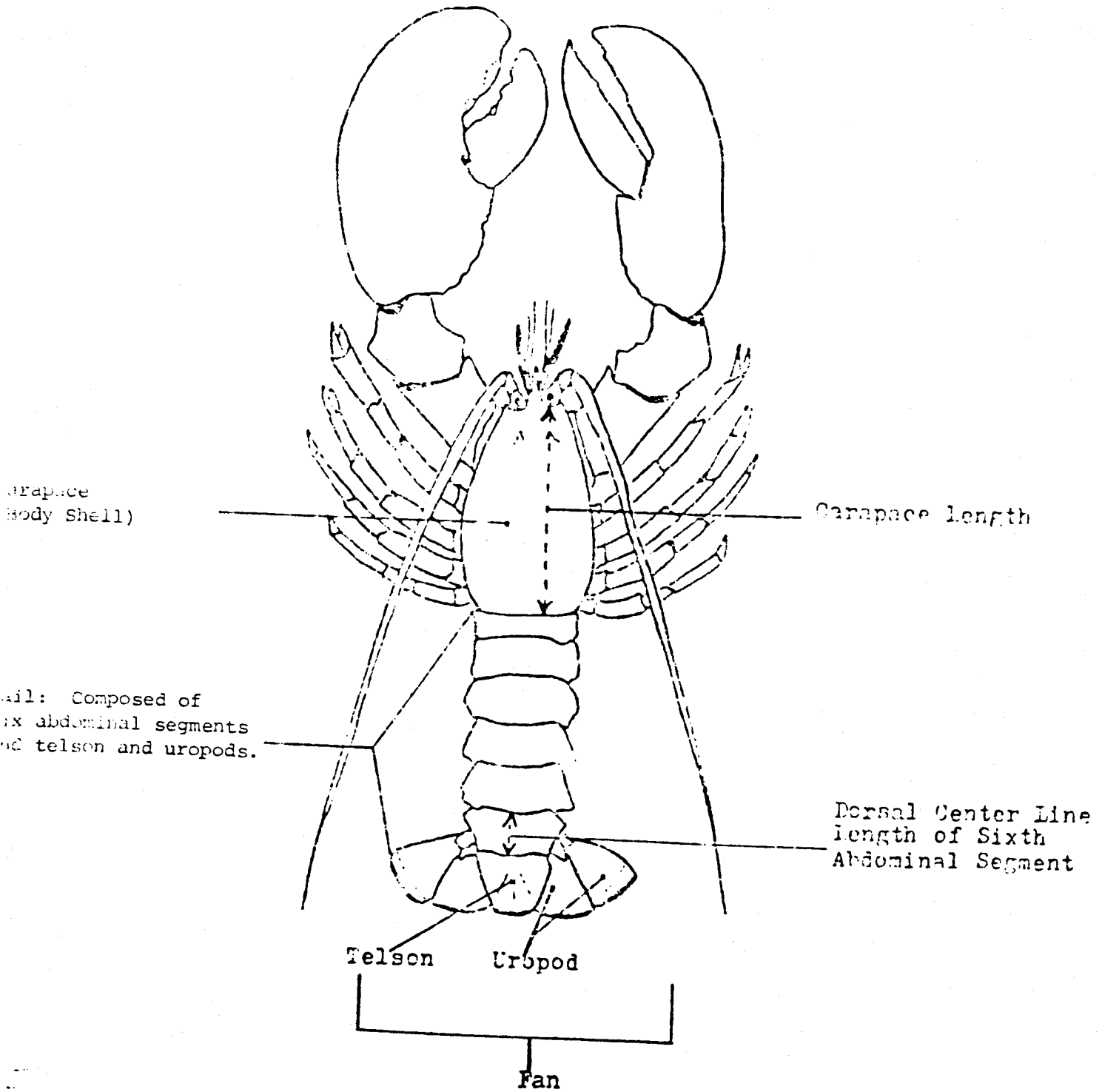


FIGURE 1

AMERICAN LOBSTER
 (*Homarus americanus*)





SUMMARY INFORMATION - NJ COMMERCIAL LOBSTER LANDINGS

YEAR	POUNDS	DOLLARS
1983	769,913	\$2,092,379
1984	927,474	\$2,608,553
1985	1,079,723	\$2,992,746

MONTHLY LANDINGS

YEAR	MONTH	POUNDS	DOLLARS	COUNTY	POUNDS	DOLLARS
1983	JAN	3,707	\$10,087	ATLANTIC	15,941	\$50,291
	FEB	1,364	\$4,020	CAPE MAY	117,756	\$311,631
	MAR	1,960	\$5,337	CUMBERLAND	27,891	\$70,111
	APR	9,973	\$23,849	MONMOUTH	554,262	\$1,492,182
	MAY	55,015	\$155,296	OCEAN	52,773	\$163,599
	JUN	152,432	\$445,782	SALEY	1,290	\$4,515
	JUL	126,604	\$350,211			
	AUG	164,656	\$458,409			
	SEP	163,732	\$384,481			
	OCT	51,234	\$140,236			
	NOV	20,636	\$56,974			
	DEC	18,600	\$57,697			
1984	JAN	675	\$2,057	ATLANTIC	6,906	\$22,933
	FEB	2,050	\$6,150	CAPE MAY	129,606	\$365,255
	MAR	263	\$935	MONMOUTH	764,013	\$2,121,414
	APR	3,122	\$12,083	OCEAN	26,940	\$74,901
	MAY	61,142	\$196,661			
	JUN	101,244	\$294,253			
	JUL	117,435	\$328,528			
	AUG	203,947	\$567,923			
	SEP	175,817	\$487,654			
	OCT	159,415	\$439,693			
	NOV	52,336	\$144,689			
	DEC	50,008	\$137,915			
1985	JAN	4,963	\$13,915	ATLANTIC	5,209	\$17,501
	FEB	1,662	\$5,502	CAPE MAY	100,474	\$284,232
	MAR	285	\$893	MONMOUTH	956,132	\$2,588,400
	APR	2,954	\$10,156	OCEAN	17,908	\$51,033
	MAY	47,575	\$150,385			
	JUN	94,501	\$262,501			
	JUL	211,473	\$516,463			
	AUG	253,658	\$661,528			
	SEP	229,618	\$638,631			
	OCT	139,398	\$341,494			
	NOV	76,793	\$220,995			
	DEC	16,842	\$50,282			

POUNDS HARVESTED BY WATER AREA (W.A.)

1983 W.A.	0525	0612	0613	0614	0615
LBS.	10,000	573,172	15	62	145
W.A.	0616	0621	0622	0623	
LBS	61,563	2,469	110,087	1,200	

1984 W.A.	0525	0612	0613	0614	0615
LBS.	0	685,403	482	6,885	330
W.A.	0616	0621	0622	0626	
LBS.	108,077	15,580	113,716	0	
1985 W.A.	0525	0612	0613	0614	0615
LBS.	0	862,467	6,858	7,257	352
W.A.	0616	0621	0622	0626	
LBS.	102,640	24,763	75,386	0	

DEFINITIONS OF WATER AREAS

0525 Southwest Georges
 0612 Cholera Bank
 0613 Off Long Island
 0614 New Jersey Shore
 0615 Atlantic Ocean
 0616 Hudson Canyon
 0621 Five Fathom Bank
 0622 Atlantic Ocean
 0626 Atlantic Ocean

Note: The major harvest area is 0612 followed by 0616 and 0622. Harvests from 0612 and 0615 are landed in Monmouth County ports and secondarily at Point Pleasant. 0622 harvests are landed at Cape May.

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Lobster Public Hearing
Massachusetts Maritime Academy, Buzzards Bay
October 28, 1986

Hearing Summary

A Public Hearing was held to receive comment on the Council's proposal to increase the minimum carapace length of lobsters and other related proposals. The hearing began at 7:10 and was chaired by Phil Coates with Rich Ruais from the staff assisting and keeping the record of the meeting. There were 30 members of the public in attendance and the meeting was concluded at 8:50 P.M. An attendance roster is attached.

Mr. Coates provided background information on the Lobster FMP and the current proposed changes and then called for comments on the proposal to increase the minimum size of lobsters from the current 3-3/16" to 3-5/16" by 1992.

Mr. Herb Lovell commented on the substantial number of short berried lobsters found in Cape Cod Bay this year.

Mr. Hank Cebula stated that if you raise the gauge you create a much more attractive short market. He stated that despite law enforcements best efforts they can't handle it. There are big and small time short lobster operations.

Mr. Coates, after requesting a show of hands, indicated that a majority of the public present believed there was a serious problem with landings of short lobsters due to the inadequacy of enforcement.

Mr. Tony Kroder wanted to know if the increase was going to apply to Maine, New Hampshire, Rhode Island and including Canadian imports.

Mr. Coates responded that the increase would apply to all the American lobster brought into the lobster producing states and that includes lobsters imported from Canada. He pointed out that the Council was trying to address the issue of sub-legal lobsters entering the marketplace in non-producing states.

Mr. John Sampson suggested that the proposed increases in the minimum size be every other year with no increase in the size between each incremental increase for economic reasons.

It was pointed out that the inshore fishery South of the Cape was the one resource area where it was expected that there would be an increase in the weight of lobster landings throughout the schedule of increases in the minimum size.

There were no major objections voiced by any of the public to the Council's general proposal to increase the minimum size of lobsters.

Mr. Coates introduced the proposal to protect Maine's V-Notch lobsters and called for comments.

Mr. Harvey Bloomer stated the wording of the actual regulation would have to be written very carefully and clearly. He noted that a precise definition of what is a V-notch is necessary to avoid misinterpretations with bite marks, other mutilations or disease. Mr. Bloomer stated that he would support Option #2.

Mr. John Baldwin stated that he would support Option 2. He stated that there are few males around and that there should be some protection for them.

Mr. Bob Wheeler, noted that there would be nothing requiring fishermen to notch under this proposal, but could foresee potential enforcement problems caused by allowing some V-notch lobsters to be sold. Therefore, he stated that he would support Option 1.

Mr. Jack Krossen(? from Sandwich) stated that he supported the comments of Mr. Bloomer but that he recognized the enforcement problems caused by establishing a line. He said it seemed a shame that the Maine fishermen would go through the program only to have the Massachusetts fishermen take the V-notched lobsters to the market. He stated that consideration to honoring the V-notch program throughout the range (Option 1) should be given.

In summary, a poll indicated that 3 fishermen supported Option 1, 3 fishermen supported Option 2.

Mr. Coates then called for comment on the Council's proposal to seek investigation of the effects of trawling for lobsters on the resource and the habitat.

Mr. Roy Tate stated on behalf of the Massachusetts Lobstermen's Association that a very strong effort to try to determine the effect of trawling on the habitat and resource should be made by the Council. He stated that Associations of lobstermen from all states agree on this. He suggested that an even stronger effort by the Council should be made than is indicated in the Public Hearing Summary document. Delegates of the MLA have taken the position in 1986 that the taking and landing of lobsters in Massachusetts by other than traps or diving should be banned. He stated that concern for the resource, habitat and the loss of lobster gear were all reasons why all lobstermen associations favor a ban on the taking of lobsters by dragging.

Mr. John Baldwin stated that he wholeheartedly supported Mr. Tate's comments.

Mr. George Sampson stated that dragging for lobsters should be banned in federal waters also.

Mr. Coates then asked for comments on the Council's proposal to seek a nationwide minimum size on American lobsters and a nationwide prohibition on berried or scrubbed lobsters.

There was strong and unanimous support for the Council to do everything in its powers to effect a nationwide minimum size and ban on possession of berried or scrubbed lobsters. Mr. Tate stated that MLA delegates unanimously support the Council getting involved in this issue.

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Lobster Public Hearing
Massachusetts Maritime Academy, Buzzards Bay, MA
October 27, 1986

Public Attendance

Name	Address and/or Affiliation
Harvey W. Bloomer	193 Barcliff Ave. Chatham, FV Lilly-13
A. J. Malloy	66 E. Helms Dr. W. P. Chatham
J. Vitali	786 Fisher Rd. North Dartmouth
Bruce Borges	Cuttisburg Mass F/V FINEST KIND II
Charles J. Connor	63 Buttonwood Rd. S. DART. D.M.F.
John M. Holman	446 Broad Ave. New Bedford
Robert Tappan	31 Pine Island Rd. Mattapoisett
Stanley Baron	80 Wilbur Ave. No. Dartmouth
Walter Kachala	19 Fustate Pocasset -
BOB EGAN	62 GEORGE ST. S. DARTMOUTH MA. F/V KARANNA
Tony Krueger	Cummaquid The
Herb Lovell	4061 MAIN ST. Cummaquid The
John Estrella	Ma. Marine Fisheries Sand.
Dan McKiernan	" "
Bill Mahan	Cape Cod Channel
JOHN BOLDWIN	F/V GOODSPEED X514 02662
Darrell Sampson	85 County Road Bourne
John Sampson	76 COUNTY ROAD BOURNE
Jouli Stevens	Commercial Fisheries News
Roy Tate	MLA 8075 PL, SCITUATE, MA
R. D. Wheeler	" " " "
Tom Delforte	8496 Sag. Mass.
Henry Hargis	1317 7th. FILL WITH LUG
Nank Abula	3 William St. Falmouth MA
ARTHUR De COSTA	28 SEDGWICK RD. Falm.
Mike Mair	38 Greenville Dr. Forestdale Ma 02644
Al Kella	15 GASEIGHTOR VAK PT 02675
LUKE BOYDEN	77 NEPTUNE LANE S. YARMOUTH 02664
Frank Alakmei	P.O. Box 942 Plymouth, Mass. 02360
Tom Colbert	Box 8 MANOMON MA 02345

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Lobster Public Hearing
Marshfield, Massachusetts
October 29, 1986

Summary Minutes

A public hearing was held to receive comment on the Council's proposal to increase the minimum carapace length of lobsters, the geographical range of V-notch regulations and other related proposals. Mr. Coates chaired the meeting and Mr. Kellogg of the staff assisted and kept the meeting record. The meeting began at 7:15 p.m. and adjourned at 9:00 p.m. Twenty eight people attended, and an attendance list is attached.

Mr. Coates provided background information on the Lobster FMP and called for comments on the different proposals contained in the amendment in the following order:

Proposal to Increase the Minimum Size:

Mr. Wheeler representing the Massachusetts Lobstermen's Association (MLA) stated that the MLA did not wish to support the Council's proposals until some action had been taken to address lobstermen's problems with mobile gear fishermen.

Mr. Wernig stated that the Council should limit the catch of lobsters by draggers before there is an increase in the gauge size.

Mr. Feeney favored an increase in the gauge size but stated that the proposed increase is too large and that it would be raised too quickly. He suggested that the size be increased by $1/64$ " every other year until the size was increased by $3/64$ ". He stated that an increase of $1/32$ " would reduce his catch by about 50%.

Mr. Jason stated that until something is done to limit the catch of lobsters by draggers, he would not support any increase in the gauge.

Mr. Plotkin commented that the proposed gauge size increase would increase the value of the minimum size lobsters and therefore increase the total value of the catch. He also stated that he saw many more undersized egg-bearing lobsters than in the past.

Mr. Hayes commented that he had seen more undersized lobsters in the preceding two years than before but not in the past year.

Mr. Wheeler pointed out that in Prince Edward Island, lobsters reach sexual maturity at a very small size.

Mr. Bevis stated that the proposed increases in the gauge size could not possibly hurt lobstermen and that the last increase in the gauge size of $1/16$ " did not have a noticeable negative impact on the catch when it was introduced.

Mr. Hutton stated that he was opposed to any increase in the gauge size until something was done to limit the catch of lobsters by draggers.

Mr. LaPlante stated that he favored an increase in the gauge size provided there was a similar nationwide minimum size.

Mr. Noyes commented that market impacts of raising the gauge size needed further study before the gauge was increased.

Mr. Clark stated that he supported an increase in the gauge size provided there was a nationwide minimum size regulation.

Mr. Duane favored the proposed increase in the gauge size provided that there was a nationwide minimum size regulation.

Mr. Trowbridge opposed any increase in the gauge size. He stated that he did not think that lobstermen in his area would benefit from an increase in the gauge size and that they would be hurt because a gauge increase would greatly increase the landings of lobster in Southern New England and therefore depress lobster prices. He added that something should be done to limit the catch of lobsters by draggers because the draggers scrub egg-bearing females and land undersized and mutilated lobsters.

Mr. McDuff stated that the first gauge increase in the 1940s increased landings and that he strongly supported the proposed increase in the gauge.

V-Notch Proposal

Mr. Jason stated that he strongly supported an extension of the V-notch provision throughout the range of the species because it would put a lot of female lobsters back in the water and would prevent the draggers from taking them.

Mr. Feeney strongly supported an extension of the V-notch provision throughout the range of the species. He also commented that he saw very few V-notch lobsters.

Mr. McDuff strongly supported an extension of the V-notch provision throughout the range of the species.

Mr. Wernig stated his strong support for extending the V-notch provision but reiterated that the most important issue was to limit the catch of lobsters by draggers.

Mr. Bevis strongly supported the extension of the V-notch provision throughout the range of the species.

Mr. McDuff stated that the V-notch regulations had been a good conservation measure when it had been in effect and strongly favored it.

Mr. Coates polled the audience on its opinion of the proposal to extend V-notch regulations throughout the range of the species. Only one person present, Mr. Hayes opposed this proposal.

Effects of Trawl Gear on the Lobster Habitat

Mr. Coates polled the audience on its opinion of the proposal that the Council encourage Sea Grant institutions in the Northeast to investigate the effects of trawling for lobsters on the resource and the habitat. There was unanimous support of the proposal.

Nationwide Minimum Size Regulation

Mr. Coates polled the audience on its opinion of the proposal for a nationwide minimum size regulation. There was unanimous support for this proposal. Those who had supported the gauge increase provision conditioned their support on the condition that a nationwide minimum size provision be put in place as well. In addition, the two lobstermen who opposed any increase in the gauge size also supported a nationwide minimum size.

ck/0838H

Lobster Public Hearing
Town Hall, Marshfield, MA - 10/29/86

Public Attendance

Name	Address and/or Affiliation
JERRY L. PLANTE	PO BOX 156 BRANT ROCK MA 02020
LARRY CAYMAN	201 GILBERT ST MARSH. MA 02050
Herb Jason	59 Cushing Rd. Cohasset MA 02025
FRED DORR	9 Rivermen Pl. Scituate, Ocean View/Thin Products
Harry Chetaynde	36 Ransom Lane Monrovia - Ocean World Wine Products
Peter Hunt	246 Clapp Rd. Scituate Ma. 02066
Albert Bawa	56 Shore Dr. Kingdon Mass 02364
Bob Wheeler	- M L A -
Dan McKernan	Div. MARINE Fisheries SANDWICH
Mike Dwyer	Bx 104 Wrentham Mass
John Haviland	Bx 543 Green Harbor
William Clark	167 Birch Rd Milton
Dan Graham	37 Maulym Rd Scituate
Bonnet's Rowell	713 Grove St. NORWELL
Fong Salkeld	Central St. Norwell
Tom Plotter	317 Beach Ave Hull MA 02045
Don Cavanaugh	13 Hillside Rd. Halbrook Ma 02343
Simon Cavanaugh	13 Hillside Rd. Halbrook Ma 02343
Kevin Feeney	80 Oliver Ave Quincy MA - 02171
Ken Hanson	14 Corn Lane Marshfield Ma 02050
Peter Pabin	120 Central Ave Scituate
Francis T. McDuff	565 Nantasket Ave Wili Ma 02045
Thomas J. McEneaney	35 Revere St Ave Hull MA 02045
Bill Wernig	41 Garden Rd Scituate
James Major	44 Green St Ocean Bluff
CARL BICEFE	11 W. Nantasket Scituate
Ernie Trowly	7 1st Scituate
Robert Johnson	Box 334 Brant Rock

Oct 27, 1980

Dear Sirs,

Please record the following as written testimony concerning
Proposals to Amend the American Lobster Fishery Management Plan.

As a commercial lobsterman and Massachusetts
Lobstermen's Associate delegate from area five I
am in favor of adopting the increased carapace
length suggestions as outlined in your news brief.

I am also in favor of option one in the
proposal to protect V notch lobsters. My second
choice would be Option 3.

It is my belief that the effort required for the
protection of V notch lobsters would be minimal
compared to the obvious advantages inherent in protecting
this seed producing resource of lobsters.

Additionally it is my belief that with the adoption
of increased carapace length by the federal government
it would be but a short time before all states
followed suit. From my viewpoint the time to
implement both of these proposals is long overdue
so lets do it now before it is too late.

Sincerely,



Paul G. Caruso
dbr. Cape Coastal Resources
47 Matthew Way
Marston Mills, MA
02648

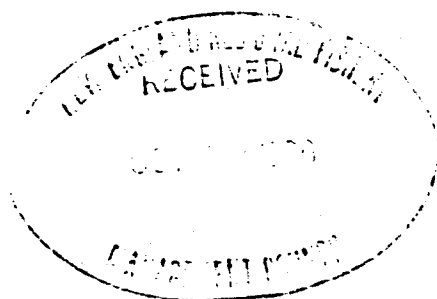
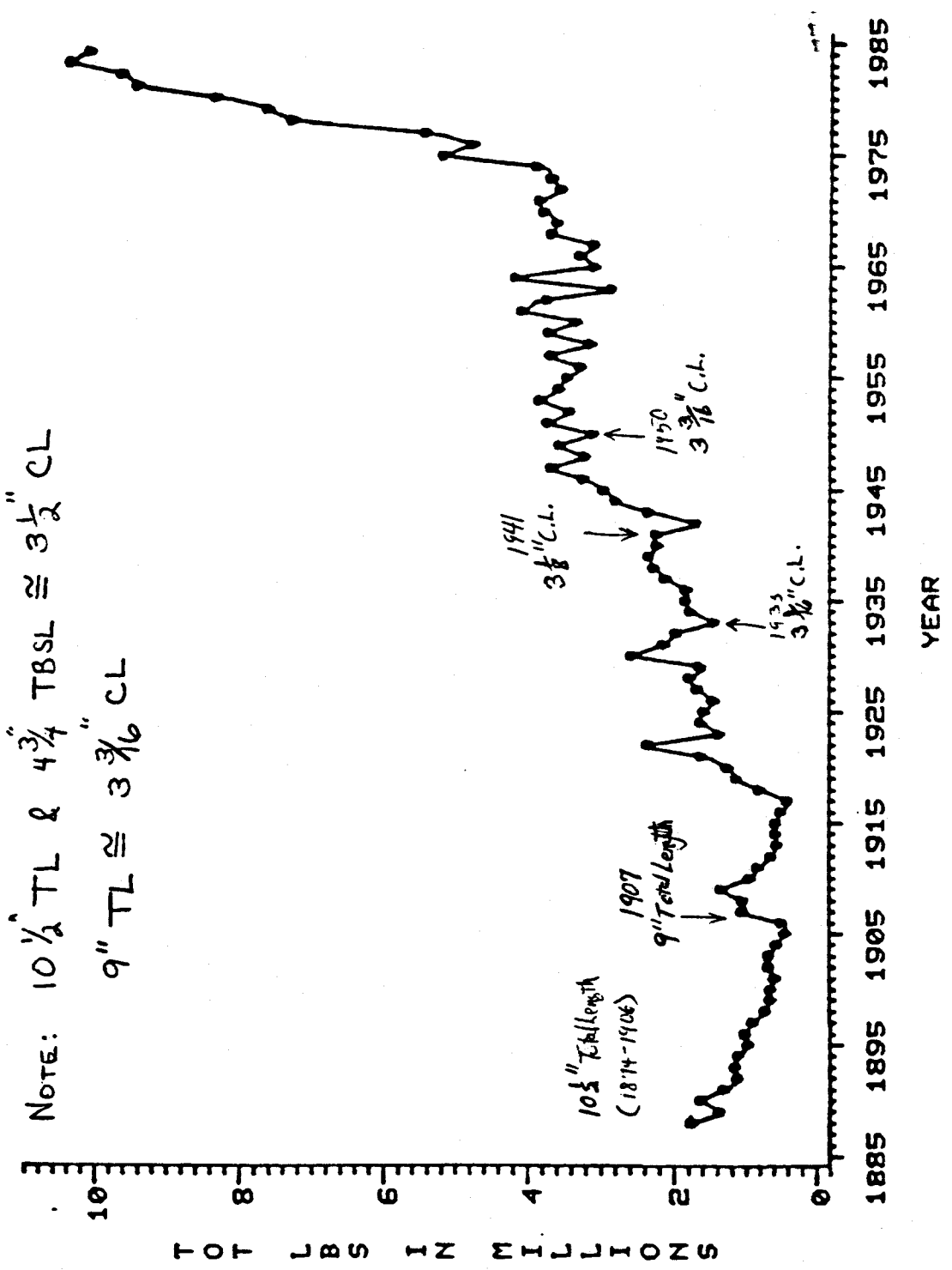


FIGURE 1.
MASSACHUSETTS INSHORE LOBSTER LANDINGS (1888-1984)



NEW ENGLAND FISHERY MANAGEMENT COUNCIL

PUBLIC HEARING ON PROPOSALS TO AMEND
THE AMERICAN LOBSTER FISHERY MANAGEMENT PLANBridgeport, Connecticut
October 29, 1986SUMMARY COMMENTS

The public hearing was held at the Days Inn in Bridgeport commencing at 7:00 pm, chaired by Dr. William Lund, with Howard Russell from the Council staff. A public attendance list is attached.

Following introductory remarks, Dr. Lund outlined the proposed changes in the American lobster management program. Mr. Russell then explained the technical details of the proposals, indicating that they would include an increase in the minimum carapace length from 3-3/16" to 3-5/16" to be accomplished by 1/32" increments over a 5-year period. As an integral part of the package, some form of protection would be afforded to lobsters which had been V-notched along the coast of Maine. In addition, the Council has (1) expressed its intention to explore possible means for accomplishing a nation-wide minimum size limit with a uniform prohibition on scrubbed and egg-bearing female American lobsters, and (2) deemed it appropriate to encourage research to examine the possible effects of dragging on lobsters and lobster habitat.

Increased Minimum Size All but one commentor was in favor of increasing the minimum size as stipulated, although with certain reservations.

- Nick DeGenaro, President of the Connecticut Commercial Fisheries Association, stated that the Association favors a gauge increase but believes that protection of the lobster resource from draggers must be addressed first.
- Another commentor expressed the fear that with the proposed gauge increase, the larger lobsters which would be produced would join the migratory population and move offshore - he suggested that the gauge increase stop at 3-1/4".
- "By and large, in favor of a gauge increase".
- One draggerman in attendance indicated his support for a gauge increase.

Protection of V-notch Lobsters There was uniformity of opinion that V-notched lobsters should be protected. Many commentors stated that they felt that Maine has been a leader in lobster management. The fishermen in attendance all fish within Long Island Sound. Thus, the consensus was that a V-notch measure would not affect them - but all felt that a V-notch line should be established (i.e., Options 2 or 3).

Nation-Wide Minimum Size All commentators were in favor of establishing the nation-wide standard. One commentator summed up the general opinion by stating his belief that even though there could be serious impacts on PEI fishermen, there should be a nationwide minimum size and a ban on importation of berried or scrubbed lobsters.

Sea Grant Study of the Effects of Dragging This was clearly the the most pressing issue for all commentators.

- Nick DeGenaro stated that the principal issue on the Connecticut Commercial Fishery Association's agenda is the protection of the lobster resource from draggers. He further stated that the dragging issue is a resource problem, not a gear conflict problem.
- A commentator stated that the dragging issue has been adequately studied - there should be a total ban on dragging for lobsters.
- Concerned with "devastation" of the resource by draggers - looking for support from the fishery managers to resolve the problem.
- Believe that fishing effort should be addressed, with the elimination of dragging the first priority.
- Believe that Sea Grant should be involved in the dragging issue.
- The single draggerman in attendance indicated his support for a Sea Grant study on the effects of dragging, but indicated that the level of enforcement is currently not adequate.
- One commentator pointed out that Maine does not allow dragging for lobsters in state waters, and he would like to see similar action in Connecticut waters.

Other Comments

- Nick DeGenaro and Ken Tober both indicated that all lobster regulations should be uniform in all areas. They also indicated that there is a need for more and better enforcement.
- Sooner or later, the fishermen themselves will have to realize that effort should be reduced - reduce traps and reduce the number of licences.
- Eric Smith indicated that a Connecticut regulation requiring a biodegradable panel will come on line January 1, 1988.
- Nick DeGenaro indicated his belief that the appropriate larger sized escape vents (consistent with a 3-5/16" minimum size) should occur in the first year of the gauge increase.

The public hearing was ajourned at approximately 8:30 p.m.

Lobster Public Hearing
Days Inn, Bridgeport, CT - 10/29/86

Public Attendance

<u>Name</u>	<u>Address and/or Affiliation</u>
Mark Blake	CT DEP Marine Fisheries
Linda Lunn	CT DEP Marine Fisheries
Jeff Saxon	Gustafson Capt Norwalk Lobster Fisherman
John Makowsky	Five Mile Lobster Co.
Mike Costello	Hamstead Rd Milford
Dick P. DeGeneres	154 Seabright Ave, Bpt.
Nick DeSano	154 Seabright Ave Bpt Conn 06605
Kenneth Tober	25 Gibson Rd Milford, Ct. 06462
Robert A. Jones	CT - Bureau of Fisheries - DEP
Patricia L. Paccase	NEFMC - (Exec, etc.)
Eric Smith	CT DEP Marine Fisheries
Jack Christis	PERSONAL lobsterman
Jose Serranides	- 4 -
Anthony Miller	1841 Personal lobsterman
CH Furlong	PERSONAL Lobster Fishery
John Bungee	29 Oakes La Southport Ct.
John Kadding	32 Blossing St Milford

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

PUBLIC HEARING ON PROPOSALS TO AMEND THE
AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Hauppauge, Long Island, October 20, 1986

SUMMARY MINUTES

The public hearing was held at the Holiday Inn, Hauppauge, Long Island, New York. Chairman Gordon Colvin convened the hearing at 7:15 pm. Guy Marchesseault, representing the Council Staff, presented the proposals. A public attendance list is attached.

Guy Marchesseault reviewed each of the proposals individually, describing in detail the bases for the suggested gauge increase and the prohibition on the possession of V-notched lobsters. He also discussed the Council's efforts to secure a nationwide ban on the possession of sub-legal sized or berried/scrubbed lobsters, as well as the Council's intention to identify research on the impact of trawling on lobsters as a priority for federal funding.

Mr. Miller questioned the Council statement that industry advisors had identified the need for increasing the gauge. He asked whether or not the New England Council has lobster advisors from the Mid-Atlantic area. He suggested that the Mid-Atlantic Council should provide advisory support to the New England Council to provide an accurate mid-Atlantic perspective on the management of lobsters.

Mr. Harvey expressed concern that an increase in the gauge would result in a severe economic impact on fisherman, because they are so dependent on chicken lobsters at the current 3-3/16 inch size. Mr. Harvey was assured that any impact would be negligible due to the extended summer molt period of lobsters and the significant increase in weight that comes with each molt.

After much discussion on the probable interest of each of the lobster producing states in the substance of the proposed lobster amendment, Mr. Miller suggested that he could support the proposed gauge increase, but only if New York adopted the same standard.

In summary, the following major views were expressed by the public:

- General support was voiced for the Council's proposal to increase the gauge; however, that support was conditioned upon the State of New York adopting the same increase in the minimum size standard;
- The comments received strongly supported the Council's view that research should be conducted to investigate the possible impacts of trawling on the lobster resource;
- The commenters expressed concern that enforcement of the lobster regulations needs to be increased.
- The commenters expressed no opinion on the merits of the V-notch protection proposal, but favored Option #2.

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
Lobster Public Hearing
Holiday Inn, Hauppauge, NY
October 29, 1986

Page 1

Public AttendanceNameAddress and/or Affiliation

Elizabeth Hoffman President Long Island Diver Association	PO Box 7304 Hicksville NY 11791
J. M. Lombardi	454 Mollie Blvd NY 11747
Religio T. B. Jr.	1045 D.C. Bldg 40-50th St Long Beach, NY 11774
John C. Green	Long Island Diver Association PO Box 576 Hicksville NY 11747
R. H. Miller	141 RISHERTOWN RD East Glen Head NY
Bernard J. Hays	E. Hampton Bay Nassau County
John M. ...	NYS DEC Marine Resources, Long Beach NY
Christina ...	NYS DEC Marine Resources, Long Beach NY

NEW ENGLAND FISHERY MANAGEMENT COUNCIL
PUBLIC HEARING ON PROPOSALS TO AMEND
THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Mystic, Connecticut
October 30, 1986

SUMMARY COMMENTS

The public hearing was held at the Mystic Hilton commencing at 7:00 pm, chaired by Mr. Richard Allen, with Howard Russell from the Council staff. Approximately 25 people attended the hearing. A public attendance list is attached.

Following introductory remarks, Mr. Allen outlined the proposed changes in the American lobster management program. Those changes would include an increase in the minimum carapace length from 3-3/16" to 3-5/16" to be accomplished by 1/32" increments over a 5-year period. As an integral part of the package, some form of protection would be afforded to lobsters which had been V-notched along the coast of Maine. In addition, the Council has (1) expressed its intention to explore possible means for accomplishing a nation-wide minimum size limit with a uniform prohibition on scrubbed and egg-bearing female American lobsters, and (2) deemed it appropriate to encourage research to examine the possible effects of dragging on lobsters and lobster habitat.

Increased Minimum Size Many commentators expressed their concern that an increased gauge would have negative impacts on the industry.

- Orion Ford, lobster dealer, indicating that 50-60% of his business is in chicken lobsters, expressed his concern over the loss of 1 lb lobsters.
- A fisherman indicated that most of his lobsters are chixs, thus he would face serious losses.
- Concern was expressed that prices would be depressed due to a glut of 1-1/4 lb lobsters.
- Walter Rodenick expressed his concern that larger legal sized lobsters will move offshore.
- Two commentators stated that they recognized that the longterm effect of a gauge increase would be to increase catches.

Protection of V-notch Lobsters

- Bob Jones stated that the position of Connecticut DEP is that it would be inappropriate to establish protection to V-notch lobsters throughout the range. He indicated that a requirement for fishermen to inspect their catches for V-notch lobsters in areas where such lobsters do not occur would be an unnecessary burden on fishermen and on law enforcement.
- One fisherman indicated his belief that a V-notch line would be unenforceable - that a uniform law up and down the coast is the only thing that will work.
- One commentor stated that he almost never sees a V-notch lobster ("had seen one in 12 years of lobstering") so that he did not feel it would be right to require Connecticut fishermen to inspect their catches. He does recognize, however, that the practice in Maine waters does have conservation value.

Sea Grant Study of Dragging

- The Connecticut Commercial Fishery Association "wholeheartedly supports" a Sea Grant study.

Nation-Wide Minimum Size

- A lobster dealer indicated that a standard, so long as it was uniform in all states, would not be a problem. He indicated that he already has to dispose of lobsters which egg out in his tanks, so a nation-wide standard would not be any different.

Other Comments

- There should be uniform laws up and down the coast.
- The level of enforcement is not adequate.
- Very few restaurants will sell 1-1/4 lb lobsters - they may call them that but they are actually 1-1/8 or less.
- What ever happened with the market study that was supposed to be done before a gauge increase?
- Eric Smith indicated that the most obvious advantage to a gauge increase is the substantial increase in egg production.

The public hearing was adjourned at approximately 8:30 p.m.

Lobster Public Hearing
Mystic Hilton, Mystic, CT - 10/30/86

Public Attendance

<u>Name</u>	<u>Address and/or Affiliation</u>
Wayne Shigner	7 Race Rock Rd. - Waterford
Will Smith	34 Church St. Mystic
Bull Peterson	95 Godfrey Rd. Mystic
PAUL C. WATTS	61 Daniel Brown Dr. Mystic, CT.
ORION A Ford	43 Brook St. Noank CT
Robert Keele	281 High St. MYSTIC Conn
Walter Redenick	Sandy Hollow Rd. Mystic Ct.
JOSEPH MARTIN	17 woodland drive, Groton CT
David Simpson	3 Valerie St. Waterford Conn
William H. BRISSETTE	11 Alden St. MYSTIC, CT.
Mark Blake	CT DEP Marine Fisheries
Eric Smith	CT DEP Marine Fisheries
Robert A. Jones	CT Bureau of Fisheries - DEP
George Main	56 High St Noank Ct
Nancy Main	" " " "
DON LANDERS	N. U. ENVIRONMENTAL LAB Waterford CT
Brian Sullivan	9 Beach St. Waterford CT
Fred Carlson	201 Conkling Pl. Ct.
Benjamin Rathburn	52 Riverview Ave. Noank Ct.



State of New Jersey

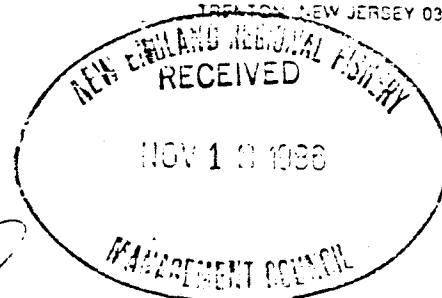
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

DIVISION OF
FISH, GAME AND WILDLIFE
RUSSELL A. COOKINGHAM
DIRECTOR

PLEASE REPLY TO:
CN 400

TRENTON, NEW JERSEY 08625

MEMORANDUM



TO: John C. Bryson, Executive Director
Mid-Atlantic Fishery Management Council

Russell A. Cookingham, Director
Division of Fish, Game & Wildlife

FROM: Bruce L. Freeman, Administrator
Marine Fisheries Administration

DATE: October 30, 1986

SUBJECT: Public Hearing for Proposed Amendment to the Lobster FMP

On October 28, a public hearing was held in West Long Branch, New Jersey to discuss the proposal by the New England Fishery Management Council to increase the minimum size of lobsters to 3 - 5/16" over a five year period. Most of the meeting was conducted by Guy Marchesseault. He began by indicating that the plan presently calls for (1) a minimum carapace length of 3 3/16"; (2) a prohibition on the landing of egg bearing lobsters or the scrubbing of eggs from lobsters, and (3) a prohibition on landing of lobster parts or meat.

He indicated that the New England Council has been discussing an amendment to increase the size because of a growing concern amongst biologists and some lobster fishermen that increasing fishing in the near-shore fishery combined with ever-increasing fishing offshore may threaten the ability of the resource to reproduce itself. He explained that because of the high amounts of fishing throughout the range, very few lobsters ever reach sexual maturity and have the opportunity to spawn before being caught. He indicated that in the Gulf of Maine, substantially less than 10% of the lobsters mature, whereas in the southern New England fishery, less than 30% reach sexual maturity before being caught.

He explained that the proposed increase in size could more than double the existing egg production, especially in the northern areas. While this is true in the northern area, it may increase egg production in the southern and Mid-Atlantic areas by only 30% to 50%. He presented information (see enclosed sheets pages 5 and 6) where there would be a positive revenue gain in the fishery by implementing the suggested size increase. It was pointed out, however, that this increase is small and would vary from area to area.

The New England Council has developed several proposals which has, as their basic purpose, the increase of egg production throughout the range of the species. These include the following: (1) the increase of minimum size; (2) the protection of the V-notched lobsters; (3) the encouragement of research groups to investigate the effects of otter trawling for lobsters and the probable destruction of lobster habitat by this means, and (4) establish a nationwide minimum size for lobsters with a prohibition on egg-bearing or scrubbed lobsters.

After Guy's presentation, he opened the floor for comment. (There were approximately 40 lobstermen in attendance as well as the three major dealers in the state.) There was an overriding concern by the fishermen that any conservation action taken by them to save or conserve lobsters for the future would cause an immediate economic loss to them with no guarantee they would be able to harvest this increase in the future. They indicated that they feel the southern fisheries, that is, from the south shore of Long Island south to Virginia, is considerably different from New England's fishery. The method of setting pots is entirely different than it is in New England. This fact is not understood by the New England Council, and there is no appreciation for the differences in the Mid-Atlantic area. The lobstermen indicated that their market is dominated by the catch from New England and from Canada and, regardless of the quantity of lobsters taken off the Mid-Atlantic area, their catch has very little impact upon the established price as compared to New England and Canada. The lobstermen, without exception, voiced opposition for any increase in size off the New Jersey coast. They indicated that they were just coming into compliance with the 3 3/16" size this year, and did not want to see an increase on top of the one they have already experienced.

They indicated that if a size increase were to take place, (over their unified opposition), they would want to see barriers put in place in this fishery to restrict new entries. Although they did not refer to this as limited entry, they supported some control to new entries. They mentioned the possibility of a seamens test, similar to what the coast guard now gives for licenses of vessels for hire and a requirement that a person would have to spend three years or more in the fishery prior to applying for a permit. Their major underlying reasoning was that anything saved or conserved today to increase the resource must not be made readily available to new entrants that are looking for a fast profit. (This obviously is a continuation of the problem we face in most of our fisheries which have common access to everyone. This is a good example of the "tragedy of the commons.")

The fishermen supported the concept of a nationwide minimum size. They are now feeling the impacts of small-size lobsters which are coming in from Canada that are undercutting the 3 3/16" lobster.

Several fishermen asked Guy to explain the underlying reason for the prohibition on lobster parts. They questioned this because they have had experiences where pumps or motors have broken down and the only way they could save their catch was to break them and put them on ice; however, this was prohibited under the existing regulations, and the lobsters were lost. Guy indicated that the underlying reason was economics and was based on the concept that the most valuable lobster is a live lobster and that this

should be the only lobster allowed to be sold. There was great dissatisfaction by the fishermen and that this part of the law should be changed. They feel it should be left to the fishermen to decide how he wants to sell his lobster, so long as it is of legal size.

The fishermen indicated that if New England lobstermen want to have a larger size lobster, than a line should be drawn off of Cape Cod, and the size increased applied to New England. They saw no need for an increase south of that area.

They also asked for some determination as to the number of lobsters the New Jersey fishermen would have to throw back as the size increased beyond the 3 3/16" size now in place. They were not convinced that the economic information showing a positive gain was valid.

They asked that the Mid-Atlantic Council oppose any size increase. They indicated that such a move would not be to the benefit of the fishery or the fishermen in the Mid-Atlantic area.

They indicated that they get a copy of the Council meeting minutes and see nothing mentioned at any of the meetings relative to lobster. They feel the Council is not doing an adequate job in representing the interest of the Mid-Atlantic lobster fishermen.

nel

c G. Colvin
A. Carlson
G. Marchessault

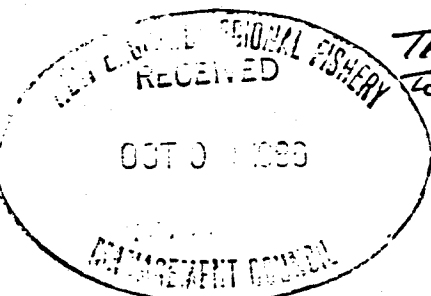
MR. MARSHALL

THANK YOU FOR THE NOTICE OF PROPOSALS FOR
RENEWING THE FMP.

WILL NOT BE ABLE TO ATTEND A HEARING.
BUT WISH TO OFFER MY INPUT. PERHAPS YOU
COULD BE MY "PROXY".

I RUN ONLY 2 POTS, IN LONG ISLAND SOUND
UNDER LICENSE #08180 AND, HAVING BEEN
IN SALT WATER ALL MY LIFE, RECREATIONALLY, AND
HAVE A GREAT LOVE AND RESPECT FOR THE SEA.

FROM WHAT I HEAR & READ (AND SEE) THE ENTIRE
MARINE ECOSYSTEM IS BEING DELUGED WITH
TRUCKS, FROM DUMPING (SLUDGE, CHEMICALS, WASTE,
GARBAGE, SEWAGE, FERTILIZER RUN-OFF, ETC. PLUS
FISHING PRACTICES WHICH COULD DECIMATE CERTAIN
SPECIES AND SERIOUSLY AFFECT OTHERS.



THANKS FOR THE OPPORTUNITY
TO EXPRESS MY VIEWS.

NICK DENNIS
55 PRIMROSE LANE
CLOSTER NJ 07024

spawning potential. Moreover, the southern inshore fisheries will be the beneficiary of
stronger inshore runs of offshore lobsters.

HOW AND WHEN

INCREASE CARAPACE LENGTH The Council suggests that the minimum legal carapace length be
increased by 1/32" increments in 4 steps over a 5-year period, reaching 3-5/16" according to the
following schedule:

January 1, 1988	3-7/32"
January 1, 1989	3-1/4"
January 1, 1990	No Change
January 1, 1991	3-9/32"
January 1, 1992	3-5/16"

This schedule of implementation is timed to coincide with the legislation adopted by the state
of Maine for the Maine inshore fishery.

Appropriate changes in the size of escape vents in lobster traps would go into effect following
the final incremental increase in the minimum legal carapace length.

LOBSTER FISHERY MANAGEMENT PLAN

if its industry advisors, is
in conjunction with major lobster
which it is bringing to the public

merican lobsters

OF 42°10' ONLY
s in the Northeast to investigate
urce and the habitat YES
bster minimum size in possession
rs YES @ 3 3/16"

shermen and lobster biologists that
ned with heavy fishing on the
resource to replace itself. The
danger of a collapse. But, with
re effort in the offshore fishery.

s in Southern New England and in the
than in the Gulf of Maine and in the
by potentially double egg production
the southern inshore populations will
resource areas will likely benefit
as a result of enhanced local

fisheries will be the beneficiary of